

## EXHIBIT 6

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANTHONY MANGANIELLO,  
Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,  
Defendants

-----X  
January 30, 2008  
1:25 p.m.

Deposition of Defendant DERRICK PARKER  
pursuant to Notice, at the offices of  
CORPORATION COUNSEL, 100 Church Street, New  
York, New York 10007, before Stephen Kleinman,  
a Notary Public within and for the State of  
New York.

DALCO REPORTING, INC. 170 Hamilton Avenue, White Plains, New York 10601  
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## A P P E A R A N C E S :

OSORIO & ASSOCIATES, L.L.C.  
 Attorneys for Plaintiff  
 184 Martine Avenue  
 White Plains, New York 10601  
 BY: MICHAEL H. JOSEPH, ESQ.

MICHAEL A. CARDOZO, ESQ.  
 Corporation Counsel  
 Attorney for Defendants  
 100 Church Street  
 New York, New York 10007  
 BY: HILLARY A. FROMMER, ESQ.

## 1        S T I P U L A T I O N S

2  
 3        IT IS HEREBY STIPULATED AND AGREED by and  
 4        between the attorneys for the respective parties  
 5        hereto that all objections, except as to form,  
 6        shall be reserved to the time of trial.

7        IT IS FURTHER STIPULATED AND AGREED that  
 8        the sealing and filing of the within deposition  
 9        are hereby waived.

10        IT IS FURTHER STIPULATED AND AGREED that  
 11        the within deposition may be subscribed and sworn  
 12        to by the witness being examined before a Notary  
 13        Public other than the Notary Public before whom  
 14        this deposition was begun.

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## ----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
DERRICK PARKER	MR. JOSEPH	5, 114
MS. FROMMER		110

## ----- I N F O R M A T I O N   R E Q U E S T S -----

DIRECTIONS (DI): 20, 33, 71, 72, 90, 102, 102,  
 103, 104, 105, 105, 107, 108,  
 117, 118, 120, 120, 122

INSERT: None

RULINGS (RL): 20, 33, 71, 105, 107, 120

REQUESTS (RQ): 53

CERTIFIED (CE): None

MOTIONS (MO): None

## 1        P R O C E E D I N G S

\* \* \*

3        D E R R I C K   P A R K E R , called as a  
 4        witness, having been duly sworn  
 5        by a Notary Public, was examined  
 6        and testified as follows:

## 7        EXAMINATION BY

8        MR. JOSEPH:

9        Q. Could you please state your  
 10        name.

11        A. Derrick Parker.

12        Q. And what is your business  
 13        address.

14        A. One Police Plaza, New York, New  
 15        York 10038.

16        Q. Sir, have you ever given a  
 17        deposition before?

18        A. Yes.

19        Q. In what matter or matters have  
 20        you given a deposition before?

21        A. Civil cases.

22        Q. Okay. What are the name or  
 23        names of the civil cases?

24        MS. FROMMER: I am going to  
 25        object. They were not in the context

2 (Pages 2 to 5)

## ----- E X H I B I T S -----

PLAINTIFF'S	DESCRIPTION	PAGE
Exhibit 30	Indictment	24
Exhibit 31	Book	55

1 PARKER 1 PARKER  
 2 of his employment as a police officer. 2 A. There was an incident arising  
 3 MR. JOSEPH: I will rephrase 3 out of my brother going to Atlantic City on a  
 4 the question. 4 trip that the Department thought was  
 5 Q. Were you ever involved in any 5 improper.  
 6 civil suit arising out of your work as a 6 Q. Okay. Was there an IAB charge  
 7 police officer? 7 arising out of that trip?  
 8 A. No. 8 A. It was kicked back to the  
 9 Q. Okay. Did you review any 9 command level. It wasn't IAB.  
 10 documents prior to today's testimony? 10 Q. Okay. Was there a sustained  
 11 A. I did, yes. 11 finding in that matter?  
 12 Q. Okay. What documents did you 12 A. There was.  
 13 review? 13 MR. JOSEPH: Is there a reason  
 14 A. I saw a DD5 yesterday. 14 it hasn't been produced?  
 15 Q. What DD5 was it? What did it 15 MS. FROMMER: Because it was  
 16 pertain to? 16 not a civilian complaint.  
 17 A. It pertained to the case that 17 Q. Were there any other sustained  
 18 we are here on. 18 complaints arising out of your work as a  
 19 Q. What specifically was the DD5 19 police officer?  
 20 about? 20 A. No.  
 21 A. About my involvement or the 21 Q. What was the finding by the  
 22 trip to the DA's office with reference to 22 command level?  
 23 this case. 23 A. Warned and admonished.  
 24 Q. Are you currently employed? 24 Q. What specifically were you  
 25 A. Yes. 25 warned and admonished for?

1 PARKER 1 PARKER  
 2 Q. By whom? 2 A. That my brother's presence in  
 3 A. Self-employed. 3 Atlantic City could have been interpreted --  
 4 Q. What do you do? 4 that it could have been interpreted two  
 5 A. Security and PI work. 5 different ways. That is what it was.  
 6 Q. Okay. At some point were you 6 Q. Okay. Was there any other  
 7 employed by the City of New York? 7 reason you retired?  
 8 A. Yes. 8 A. No. That was it.  
 9 Q. Can you tell me approximately 9 Q. What was your last assignment  
 10 what dates? 10 prior to retiring?  
 11 A. From 1982 to 2002. 11 A. 70 Detective Squad.  
 12 Q. Can you tell me, in 2002, did 12 Q. From approximately when to when  
 13 you retire, were you fired or something else? 13 were you at the 70?  
 14 MS. FROMMER: Objection. You 14 A. From November of 2001 until I  
 15 can answer. 15 retired in January of 2002.  
 16 A. Retired. 16 Q. Okay. Prior to November 2001,  
 17 Q. Was there any particular reason 17 what was your assignment?  
 18 you retired? 18 A. The intelligence division.  
 19 A. Twenty years. 19 Q. From when to when were you in  
 20 Q. Only because you had twenty 20 the intelligence division?  
 21 years in? 21 A. From 1999 to 2001.  
 22 A. That was one of the reasons, 22 Q. What were your responsibilities  
 23 yeah, twenty years. 23 in the intelligence division?  
 24 Q. Okay. What were the other 24 A. I was asked to create -- to  
 25 reasons? 25 track the music industry as far as the

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<p>1                    PARKER</p> <p>2 investigations of rap and rap artists.</p> <p>3     Q. Okay. From 1999 through 2000,</p> <p>4 was that your sole responsibility?</p> <p>5     A. Yes, and occasionally they</p> <p>6 would ask me to do gang work.</p> <p>7     Q. Were you ever stationed at the</p> <p>8 43rd Precinct?</p> <p>9     A. No.</p> <p>10    Q. Were you ever a homicide</p> <p>11 detective?</p> <p>12    A. Yes.</p> <p>13    Q. Okay. From when to when,</p> <p>14 about?</p> <p>15    A. 1987 to '96.</p> <p>16    Q. And where were you a homicide</p> <p>17 detective?</p> <p>18    A. 75 Detective Squad, 81st</p> <p>19 Detective Squad, Brooklyn North homicide and</p> <p>20 Cold Case Squad.</p> <p>21    Q. Okay. And Brooklyn, that is</p> <p>22 one the busiest homicide squads there are,</p> <p>23 correct?</p> <p>24    MS. FROMMER: Objection. You</p> <p>25 can answer.</p>	<p>1                    PARKER</p> <p>2 your gang and hip-hop activities, did you</p> <p>3 also investigate murder cases?</p> <p>4     A. Yes.</p> <p>5     Q. Okay. And had the standards</p> <p>6 changed at any point from when you started in</p> <p>7 1987 through 2001 --</p> <p>8       MS. FROMMER: Objection.</p> <p>9     Q. -- for commencing a murder</p> <p>10 charge?</p> <p>11    MS. FROMMER: Objection. You</p> <p>12 can answer.</p> <p>13    A. I don't know what you mean by</p> <p>14 "standards."</p> <p>15    Q. Okay. In your own words, when</p> <p>16 you first began in 1987, what was necessary,</p> <p>17 if anything, for the NYPD prior to arresting</p> <p>18 somebody and charging them for murder?</p> <p>19    A. Well, there is a lot of</p> <p>20 different factors. I mean to do a homicide</p> <p>21 investigation, you just don't go about doing</p> <p>22 a murder investigation. You have to have</p> <p>23 witnesses. You have to have evidence. You</p> <p>24 have to have ballistics evidence, forensic</p> <p>25 evidence, things like that.</p>	
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	13	
<p>1                    PARKER</p> <p>2     A. You said Brooklyn?</p> <p>3     Q. Correct. The Brooklyn homicide</p> <p>4 squad that you were assigned to, is that one</p> <p>5 of the busiest homicide squads?</p> <p>6     A. Yes, it is pretty busy.</p> <p>7     Q. Okay. So would it be fair to</p> <p>8 say that you have an understanding of what is</p> <p>9 necessary prior to commencing a murder</p> <p>10 charge?</p> <p>11    MS. FROMMER: Objection. You</p> <p>12 can answer.</p> <p>13    A. I understand what details are</p> <p>14 in a murder charge, yeah.</p> <p>15    Q. What standards, if any, were</p> <p>16 there that had to be fulfilled before a</p> <p>17 murder charge was brought against an</p> <p>18 individual by the NYPD?</p> <p>19    MS. FROMMER: At what time?</p> <p>20    MR. JOSEPH: Let's start with</p> <p>21 in 2000, 2001.</p> <p>22    MS. FROMMER: He was not a</p> <p>23 homicide detective in 2000 and 2001.</p> <p>24    MR. JOSEPH: Okay.</p> <p>25    Q. In 2000 and 2001, as part of</p>	<p>1                    PARKER</p> <p>2 I mean you just don't proceed</p> <p>3 on arresting someone. I mean the DA has to</p> <p>4 be involved. There is a lot of factors in</p> <p>5 making an arrest.</p> <p>6     Q. Okay. You listed a bunch of</p> <p>7 factors.</p> <p>8       Was there any particular test</p> <p>9 that had to be met prior to somebody being</p> <p>10 arrested or charged with murder?</p> <p>11    MS. FROMMER: Objection. You</p> <p>12 can answer, if you know.</p> <p>13    A. I don't know what you mean by</p> <p>14 "test."</p> <p>15    Q. Okay. We will come back to</p> <p>16 that.</p> <p>17    A. Okay.</p> <p>18    Q. Prior to being a homicide</p> <p>19 detective, what if anything did you do? What</p> <p>20 was your assignment?</p> <p>21    A. I was an undercover cop in</p> <p>22 narcotics.</p> <p>23    Q. Okay. Where?</p> <p>24    A. In the Bronx.</p> <p>25    Q. And from approximately when to</p>	

<p style="text-align: center;">14</p> <p>1           <b>PARKER</b></p> <p>2   <b>when?</b></p> <p>3    A. From 1984 to 1987.</p> <p>4   <b>Q. When you were an undercover cop</b></p> <p>5   <b>doing narcotics, was there also another</b></p> <p>6   <b>undercover detective Luis Agostini? Did you</b></p> <p>7   <b>know him?</b></p> <p>8    A. I don't know him.</p> <p>9   <b>Q. Okay. Did you ever know Sean</b></p> <p>10   <b>Abate from undercover narcotics work?</b></p> <p>11   A. I don't know him either.</p> <p>12   <b>Q. Okay. I think I asked you this</b></p> <p>13   <b>just in regard to the undercover narcotics</b></p> <p>14   <b>work.</b></p> <p>15      <b>But aside from the undercover</b></p> <p>16   <b>narcotics work, did you know Luis Agostini?</b></p> <p>17    A. No.</p> <p>18   <b>Q. Okay. How about, did you know</b></p> <p>19   <b>Lieutenant Harry Scott?</b></p> <p>20    A. No.</p> <p>21   <b>Q. Did you know an Officer Alex</b></p> <p>22   <b>Perez?</b></p> <p>23    A. No.</p> <p>24   <b>Q. Okay. How about an Officer</b></p> <p>25   <b>Miriam Nieves?</b></p>	<p style="text-align: center;">16</p> <p>1           <b>PARKER</b></p> <p>2    MS. FROMMER: Objection. You</p> <p>3    can answer.</p> <p>4    A. No.</p> <p>5   <b>Q. Okay. How about Gerald</b></p> <p>6   <b>McCarthy?</b></p> <p>7    A. No.</p> <p>8   <b>Q. And with respect to the time</b></p> <p>9   <b>you were in the intel department, did you</b></p> <p>10   <b>ever work with the detectives in the 43rd</b></p> <p>11   <b>Precinct?</b></p> <p>12    A. I met with some detectives,</p> <p>13    yeah.</p> <p>14   <b>Q. How often would you meet with</b></p> <p>15   <b>the detectives in the 43rd Precinct?</b></p> <p>16    MS. FROMMER: Objection. You</p> <p>17    can answer.</p> <p>18    A. Not often at all.</p> <p>19   <b>Q. Was it on a case-by-case basis</b></p> <p>20   <b>or was it something more regular?</b></p> <p>21    A. It would be a case-by-case</p> <p>22    basis.</p> <p>23   <b>Q. And do you have any</b></p> <p>24   <b>recollection of a meeting with Detective</b></p> <p>25   <b>Agostini at all?</b></p>
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<p style="text-align: center;">15</p> <p>1           <b>PARKER</b></p> <p>2    A. It doesn't ring a bell, no.</p> <p>3   <b>Q. Did you know an Officer Michael</b></p> <p>4   <b>Phipps?</b></p> <p>5    A. Him I know as inspector.</p> <p>6   <b>Q. And what was your work history</b></p> <p>7   <b>or relationship with Michael Phipps?</b></p> <p>8      MS. FROMMER: Objection. You</p> <p>9      can answer.</p> <p>10     A. We had no work history. He was</p> <p>11     just the commanding officer, I think, of the</p> <p>12     43rd Precinct.</p> <p>13   <b>Q. Okay. How did you come work</b></p> <p>14   <b>with Michael Phipps, if at all, during your</b></p> <p>15   <b>career?</b></p> <p>16      MS. FROMMER: Objection. You</p> <p>17      can answer.</p> <p>18     A. I never worked with Michael</p> <p>19     Phipps. Again, I explained to you, he was</p> <p>20     the commanding officer of the 43rd Precinct.</p> <p>21   <b>Q. Is he just someone whose name</b></p> <p>22   <b>you knew?</b></p> <p>23     A. Yes.</p> <p>24   <b>Q. Okay. Did you also know a John</b></p> <p>25   <b>McGovern?</b></p>	<p style="text-align: center;">17</p> <p>1           <b>PARKER</b></p> <p>2    A. No.</p> <p>3   <b>Q. Okay. While you were at this</b></p> <p>4   <b>intelligence division, were you also</b></p> <p>5   <b>investigating narcotics cases?</b></p> <p>6    A. No.</p> <p>7   <b>Q. Okay. I am just trying to get</b></p> <p>8   <b>a feel for what you were doing.</b></p> <p>9      As part of this hip-hop</p> <p>10     intelligence division, were you investigating</p> <p>11     crimes only related to hip-hop or were you</p> <p>12     investigating other cases also? And if you</p> <p>13     were investigating other cases also, how</p> <p>14     would that come about?</p> <p>15      MS. FROMMER: Objection. You</p> <p>16      need to break that down, because I</p> <p>17      didn't understand what you were</p> <p>18      asking.</p> <p>19      MR. JOSEPH: All right.</p> <p>20   <b>Q. While you were in the</b></p> <p>21   <b>intelligence division, you told us you were</b></p> <p>22   <b>investigating hip-hop activities, so to</b></p> <p>23   <b>speak, correct?</b></p> <p>24     A. Correct.</p> <p>25   <b>Q. Okay. How would you come to</b></p>
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1           **PARKER**  
 2 investigate something other than a hip-hop  
 3 activity?

4           MS. FROMMER: Objection. You  
 5 can answer, if you can.  
 6           A. If I was asked to do something  
 7 else, I would investigate it. If a CO, or  
 8 commanding officer, asked me to do something  
 9 else, I would.

10          **Q. And who was the CO? Did you**  
 11 **report to a specific CO or was it different**  
 12 **COS?**

13          A. Different.

14          **Q. Okay. Between 1998 and 2001,**  
 15 **were you actively investigating crimes that**  
 16 **occurred in the Bronx?**

17          MS. FROMMER: Objection. You  
 18 can answer.

19          A. I don't know about actively  
 20 investigating. I mean my job sends me all  
 21 around the five boroughs. So...

22          **Q. Did you ever know a gentlemen**  
 23 **named Albert Acosta?**

24          A. No.

25          **Q. Okay. Was he a hip-hop artist**

1           **PARKER**  
 2 York City correction division, correction  
 3 facility and he reached out to another  
 4 informant to talk to me.

5          **\*R Q. What informant did he reach out**  
 6 **to?**

7          **DI MS. FROMMER: Objection. I am**

8 **going to instruct him not to answer.**

9          **MR. JOSEPH: Mark it for a**

10 **ruling.**

11          **MS. FROMMER: Okay.**

12          **Q. What information were you given**  
 13 **by this other confidential informant**  
 14 **concerning Mr. Alston?**

15          **MS. FROMMER: Objection.**

16          Without identifying the other  
 17 confidential informant, if you can,  
 18 give him the information, if you can.

19          A. That he had information on a  
 20 crime.

21          **Q. Okay. Did he tell you what**  
 22 **crime?**

23          A. Mr. Alston did.

24          **Q. No.**

25          A. Who are you referring to now?

1           **PARKER**

2 affiliated with hip-hop in any way?

3          A. I don't know who he is.

4          **Q. Okay. Prior to February 12,**  
 5 **2001, did you ever know a gentleman named**  
 6 **Anthony Manganiello?**

7          A. No.

8          **Q. Did you know a gentlemen**  
 9 **Terrance Alston?**

10         A. Yes, I know a Terrance Alston.

11         **Q. How do you know Terrance**  
 12 **Alston?**

13         A. He was a confidential informant  
 14 of mine.

15         **Q. Okay. When did he become a**  
 16 **confidential informant of yours?**

17         A. I don't remember the year, but  
 18 he became a confidential informant of mine.

19 I don't remember the year.

20         **Q. Okay. Can you give me an**  
 21 **approximate?**

22         A. No.

23         **Q. How did Terrance Alston come to**

24 **become a confidential informant?**

25         A. He was incarcerated in a New

1           **PARKER**

2          **Q. The unnamed confidential**  
 3 **informant, did he tell you what crime Mr.**  
 4 **Alston had information on?**

5          A. No.

6          **Q. Okay. Do you know how this**  
 7 **other CI knew Mr. Alston?**

8          A. They were in the same cell  
 9 together.

10         **Q. At Rikers Island?**

11         A. Rikers.

12         **Q. Without identifying this CI,**  
 13 **this unnamed a CI, was he a member of any**  
 14 **criminal organization?**

15         **MS. FROMMER: Objection. You**  
 16 **can answer.**

17         A. Not that I know of.

18         **Q. Okay. Was he a member of the**  
 19 **Bloods?**

20         A. No.

21         **Q. Do you know if Mr. Alston was a**  
 22 **member of the Bloods?**

23         A. I believe he was a Blood.

24         **Q. What was the first thing you**  
 25 **did when you learned that this Mr. Alston**

<p>1                   <b>PARKER</b></p> <p>2 <b>might have information on a crime?</b></p> <p>3     A. Took down the information that</p> <p>4 he had.</p> <p>5     <b>Q. Okay. But my question is, did</b></p> <p>6 <b>you speak to him on the phone? Did you go to</b></p> <p>7 <b>Rikers Island?</b></p> <p>8     A. I went to Rikers.</p> <p>9     <b>Q. Prior to going to Rikers</b></p> <p>10 <b>Island, did you do any investigating as to</b></p> <p>11 <b>why he was in Rikers Island?</b></p> <p>12    A. Yes, I ran his rap sheet.</p> <p>13    <b>Q. Okay. And what happened to his</b></p> <p>14 <b>rap sheet after you ran it?</b></p> <p>15    A. It was given to the -- it was</p> <p>16 placed in a folder for the informants and</p> <p>17 given to the CO.</p> <p>18    <b>Q. Okay. And what was on the rap</b></p> <p>19 <b>sheet?</b></p> <p>20    A. That he was arrested for</p> <p>21 several crimes and he was incarcerated.</p> <p>22    <b>Q. Was this sometime in -- was</b></p> <p>23 <b>this before or after he had been convicted of</b></p> <p>24 <b>these crimes?</b></p> <p>25    MS. FROMMER: Objection.</p>	<p>1                   <b>PARKER</b></p> <p>2 have been asking questions and I</p> <p>3 believe Detective Parker has been</p> <p>4 answering questions about the first</p> <p>5 time when Mr. Alston was signed up,</p> <p>6 when he first learned about Mr. Alston</p> <p>7 to become a confidential informant.</p> <p>8                   THE WITNESS: Right.</p> <p>9     <b>Q. Even if you can't us a date,</b></p> <p>10 <b>when you first met Mr. Alston, were you</b></p> <p>11 <b>already in this hip-hop intelligence unit?</b></p> <p>12    A. Yes.</p> <p>13    MR. JOSEPH: Can I have this</p> <p>14 marked as Plaintiff's Exhibit 30?</p> <p>15                   (Plaintiff's Exhibit 30,</p> <p>16 indictment, marked for</p> <p>17 identification.)</p> <p>18    <b>Q. Sir, I will ask you to take a</b></p> <p>19 <b>look at what has been marked as Plaintiff's</b></p> <p>20 <b>Exhibit 30. Would you read through this and</b></p> <p>21 <b>let me know when you have had sufficient</b></p> <p>22 <b>opportunity.</b></p> <p>23    MS. FROMMER: Just for the</p> <p>24 record, this is a six-page document</p> <p>25 that appears to have a stamp that says</p>
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<p>1                   <b>PARKER</b></p> <p>2     A. Can you rephrase that question?</p> <p>3     <b>Q. In other words, you said that</b></p> <p>4 <b>Mr. Alston was incarcerated at the point in</b></p> <p>5 <b>time when you met him, correct?</b></p> <p>6     A. Correct.</p> <p>7     <b>Q. Okay. Had he already been</b></p> <p>8 <b>convicted or was he awaiting a trial?</b></p> <p>9     A. He was a pretrial detainee.</p> <p>10    <b>Q. Pretrial detainee. At the time</b></p> <p>11 <b>that you met Mr. Alston, had he been</b></p> <p>12 <b>indicted?</b></p> <p>13    A. Not that I know of.</p> <p>14    MS. FROMMER: Objection. You</p> <p>15 can answer, if you can.</p> <p>16    A. Not that I know of.</p> <p>17    <b>Q. Did you become aware of what</b></p> <p>18 <b>crimes he was being detained for?</b></p> <p>19    A. An assault.</p> <p>20    <b>Q. Was it actually an attempted</b></p> <p>21 <b>murder?</b></p> <p>22    A. I don't remember that.</p> <p>23    <b>Q. Okay.</b></p> <p>24    MS. FROMMER: I just want to</p> <p>25 clarify something on the record. You</p>	<p>1                   <b>PARKER</b></p> <p>2 March 24, 1998, an indictment from the</p> <p>3 Supreme Court State of New York,</p> <p>4 County of Bronx.</p> <p>5     A. Okay.</p> <p>6     <b>Q. Sir, does this document refresh</b></p> <p>7 <b>your recollection at all as to what charges</b></p> <p>8 <b>Mr. Alston was facing when you first met him?</b></p> <p>9    MS. FROMMER: Why don't you ask</p> <p>10 him if he has ever seen the document</p> <p>11 before?</p> <p>12    MR. JOSEPH: It is not a</p> <p>13 required foundational question. I can</p> <p>14 refresh his recollection. As they</p> <p>15 said in my law school exam, I can</p> <p>16 refresh it even with fettuccini.</p> <p>17    MS. FROMMER: Okay. Well, I am</p> <p>18 going to object to this line of</p> <p>19 questioning. You haven't even asked</p> <p>20 this witness if he has ever seen this</p> <p>21 document. Now you are proceeding to</p> <p>22 ask him questions about information on</p> <p>23 a document that he may or may not have</p> <p>24 ever seen.</p> <p>25    <b>Q. I am asking, sir, does this</b></p>
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1 PARKER 1 PARKER  
 2 refresh -- after looking at the document, 2 A. No.  
 3 does this refresh your recollection as to 3 Q. Did you take any written notes  
 4 what charges, if any, Mr. Alston was facing 4 concerning what Mr. Alston told you?  
 5 when you first met him? 5 A. I'm sure I did.  
 6 A. This does not, no. 6 Q. Okay. Where are those notes?  
 7 Q. Have you ever seen this 7 A. I have been retired for six  
 8 document before? 8 years. I don't know.  
 9 A. No, I have not. 9 Q. What happened to the notes  
 10 Q. Okay. Other than running Mr. 10 after you took them?  
 11 Alston's rap sheet, did you do any 11 A. They were probably left in the  
 12 investigation into the crimes which he was 12 file somewhere.  
 13 being charged with at the time? 13 Q. Okay. What file were they left  
 14 MS. FROMMER: Objection. You 14 in?  
 15 can answer. 15 A. Confidential informant file.  
 16 A. No. 16 Q. And what happens to the  
 17 Q. Okay. Do you have any 17 confidential informant file?  
 18 recollection, one way or another, if you met 18 A. It gets filed with the  
 19 Mr. Alston after March 5, 1998? 19 confidential informants.  
 20 A. Yes. I was in the intelligence 20 Q. Okay. So would it be fair to  
 21 division. Oh, no, sorry. Yeah, it would 21 say whatever Mr. Alston told you on that day  
 22 have to be after 1998. 22 would still be sitting in the file somewhere  
 23 Q. Okay. And what did Mr. Alston 23 wherever the confidential informant files are  
 24 say to you when you first met him? 24 kept?  
 25 A. That he had information on a 25 MS. FROMMER: Objection. You

1 PARKER 1 PARKER  
 2 murder in the Bronx. 2 can answer.  
 3 Q. And when did you first meet 3 A. It could be. Or whatever he  
 4 with him? 4 told me, I gave it to someone else. So you  
 5 A. When I went to Rikers Island. 5 could check there also.  
 6 Q. And when was that? 6 Q. Okay. What did Mr. Alston tell  
 7 A. Before I retired. 7 you?  
 8 Q. Okay. Was that in the year 8 A. About a murder in the Bronx.  
 9 2000, the year 2001? 9 Q. What did he say?  
 10 MS. FROMMER: I just want to 10 A. He told me that he had  
 11 clarify. 11 information about a murder involving a  
 12 Are you asking about the first 12 security guard.  
 13 conversation that he ever had with 13 MS. FROMMER: This is the first  
 14 Terrance Alston? 14 time you ever met Terrance Alston?  
 15 MR. JOSEPH: Of course. 15 THE WITNESS: This is the first  
 16 MS. FROMMER: The first time he 16 time I ever met him.  
 17 ever met him? 17 MS. FROMMER: He is asking you  
 18 MR. JOSEPH: Correct. 18 about information when you were first  
 19 Q. What year was it when you first 19 learning that Terrance Alston was  
 20 met Terrance Alston? 20 becoming a CI.  
 21 A. I don't remember that. 21 THE WITNESS: Oh, I'm sorry.  
 22 Q. Do you recall what month or 22 A. Rephrase the question  
 23 what season it was? 23 MS. FROMMER: We are going back  
 24 MS. FROMMER: Objection. You 24 to when Terrance Alston was first  
 25 can answer. 25 becoming a confidential informant,

	30	
<p>1                    PARKER      2         that conversation.      3                    THE WITNESS: Right.      4         A. Refreshing my memory now, when      5     I first met him, of course we spoke about      6     other things. But when I went to Rikers      7     Island, he had more information to tell me.      8     So I went to Rikers Island to see him.</p> <p>9         <b>Q. What did he tell you the first</b>      10      <b>time you spoke to him?</b></p> <p>11        A. That he had information. He      12      talked about a bunch of things in the Bronx      13      and he knew about people that had guns,      14      people involved in gangs, people in the      15      record industry, things like that.</p> <p>16        <b>Q. Okay. How did he know about</b>      17      <b>people in the record industry?</b></p> <p>18        A. He knew people from his      19      neighborhood that became rappers.</p> <p>20        <b>Q. And was one of them Baby Ace?</b></p> <p>21        A. I don't recall that.</p> <p>22        <b>Q. Okay. Do you know of a young</b>      23      <b>rapper named Baby Ace from the Parkchester</b>      24      <b>section of the Bronx?</b></p> <p>25        A. No.</p>	<p>1                    PARKER      2         of mind?      3                    You can answer, if you can.      4                    MR. JOSEPH: I am asking him if      5     Terrance Alston said to him why he was      6     willfully providing this information.      7                    MS. FROMMER: That is another      8     question.      9                    You can answer.</p> <p>10        A. Because he spoke to another CI      11      who told him where to call.</p> <p>12        <b>Q. Okay. And other than what you</b>      13      <b>have just told me the first time you spoke</b>      14      <b>with Mr. Alston, was anything else said?</b></p> <p>15        A. No.</p> <p>16        <b>Q. Was this before or after --</b>      17      <b>this first conversation, do you have any</b>      18      <b>recollection of when it took place?</b></p> <p>19                    MS. FROMMER: Objection. You      20      can answer again.</p> <p>21        A. I don't recall.</p> <p>22        <b>Q. Okay. How soon after the</b>      23      <b>telephone conversation did you go and see Mr.</b>      24      <b>Alston?</b></p> <p>25        A. You mean at Rikers Island?</p>	
	31	
<p>1                    PARKER      2         <b>Q. What else? What else? You are</b>      3      <b>giving me sort of generals. What exactly did</b>      4      <b>Terrance Alston tell you?</b></p> <p>5                    MS. FROMMER: Objection. You      6      can answer.</p> <p>7         A. I am telling you what he told      8      me.</p> <p>9         <b>Q. Okay. Did he give you any more</b>      10     <b>specific information other than he knew about</b>      11     <b>guns and he knew about some rappers?</b></p> <p>12        A. No.</p> <p>13        <b>Q. What if anything did he</b>      14      <b>indicate -- did he indicate to you that he</b>      15      <b>wanted something in exchange for this</b>      16      <b>information?</b></p> <p>17        MS. FROMMER: Objection. You      18      can answer.</p> <p>19        A. He didn't say he wanted      20      anything in exchange.</p> <p>21        <b>Q. Okay. Do you have any</b>      22      <b>understanding of why Mr. Alston was</b>      23      <b>contacting you?</b></p> <p>24        MS. FROMMER: Objection. Are      25      you asking for Terrance Alston's state</p>	<p>1                    PARKER      2         <b>Q. Correct.</b>      3                    A. As soon as he -- as soon as I      4      got the phone call, I went out there to go      5      see him.</p> <p>6         <b>Q. The same day, within a day?</b>      7                    MS. FROMMER: Objection. You      8      can answer.</p> <p>9                    A. I don't remember if it was the      10     same day. I believe it was the same day.</p> <p>11     *R    Q. Okay. By the way, the cell      12     mate who your confidential was his cell mate,      13     was he from the Parkchester section of the      14     Bronx?</p> <p>15     DI    MS. FROMMER: Objection I am      16     instructing him not to answer.</p> <p>17     MR. JOSEPH: Mark that again      18     for a ruling.</p> <p>19     <b>Q. By the way, without telling me</b>      20     <b>the identity of the confidential informant,</b>      21     <b>who I guess linked Mr. Alston and you up, did</b>      22     <b>you know this confidential informant outside</b>      23     <b>of your police work?</b></p> <p>24     MS. FROMMER: Objection. You      25     can answer, if you can.</p>	

1 PARKER 1 PARKER  
 2 A. No. 2 Q. Do you have any recollection if  
 3 Q. Okay. Have you ever been to a 3 there was a robbery on there?  
 4 party with that other confidential informant? 4 A. I don't recall.  
 5 MS. FROMMER: Objection. 5 Q. Or several?  
 6 Q. Or at a club? 6 MS. FROMMER: Objection. You  
 7 MS. FROMMER: Objection. You 7 can answer.  
 8 can answer. 8 Q. Sir, when dealing with  
 9 A. No. 9 confidential informants, is their prior  
 10 Q. Okay. Prior to getting this 10 criminal background something you consider  
 11 phone call from Mr. Alston, had you ever 11 when determining their believability?  
 12 known anything about him? In other words, 12 A. That varies.  
 13 did you do any investigations into him? Had 13 Q. Okay. How so?  
 14 you ever heard of him prior to that first 14 A. I think you are asking me, if a  
 15 phone call? 15 guy has a criminal charge, I am going to  
 16 MS. FROMMER: Objection. You 16 believe him or not believe because he has  
 17 can answer. 17 committed a crime before? Is that what your  
 18 A. No. 18 question is?  
 19 Q. Okay. Other than the charges 19 Q. My question is, sir, in other  
 20 Mr. Alston was being charged with at the time 20 words, when you are working with CIs, do you  
 21 he called you, did you have any information 21 consider that fact that they have been  
 22 about prior charges on Mr. Alston? 22 convicted of other crimes or they are  
 23 MS. FROMMER: Objection. You 23 currently facing other criminal crimes when  
 24 can answer. 24 you determine whether or not they are  
 25 A. No. 25 believable?

1 PARKER 1 PARKER  
 2 Q. Okay. Do you have a 2 MS. FROMMER: Objection.  
 3 recollection, as you sit here right now, as 3 Q. Or trustworthy?  
 4 to whether there were other convictions on 4 MS. FROMMER: Objection. You  
 5 his rap sheet, aside from the criminal 5 can answer.  
 6 charges he was facing, at the time that you 6 A. There is a lot of  
 7 went to see him at Rikers Island? 7 considerations. I mean that could be one  
 8 MS. FROMMER: Objection. I 8 factor.  
 9 just want to clarify. You are the 9 Q. Okay. Is that is one factor  
 10 saying that the criminal charges that 10 which you consider when determining whether  
 11 were pending against him at the time 11 or not you can believe what a CI is telling  
 12 were on his rap sheet, and I don't 12 you?  
 13 believe that is accurate. 13 A. I don't know. That's a hard  
 14 You can answer the first part 14 question to answer.  
 15 of the question. 15 Q. What else was in the -- did you  
 16 A. I'm sorry. Can you repeat the 16 have a CI file for Mr. Alston?  
 17 question? 17 A. Yes.  
 18 Q. On the first day that you went 18 Q. At that time you were in the  
 19 to see Mr. Alston, did his rap sheet indicate 19 gang intelligence unit, what was the  
 20 he had any prior convictions? 20 procedure for a person to become a CI?  
 21 A. Yes. 21 MS. FROMMER: Objection. You  
 22 Q. Okay. What had he been 22 can answer.  
 23 convicted of? 23 A. There wasn't really a  
 24 A. I don't remember. I don't 24 determining procedure.  
 25 recall. 25 Q. Okay.

1                   **PARKER**

2       A. If he is giving you  
3 information, you take down his information,  
4 his pedigree information, take down what he  
5 has to say to you and you try to verify it  
6 some way, if you can. But it doesn't work  
7 that way with every CI, because every CI is  
8 different.

9       **Q. Okay. What did Mr. Alston say**  
10 **to you the first time that you went to Rikers**  
11 **Island?**

12     A. He told me that he had  
13 information about a murder in the Bronx.

14     MS. FROMMER: This is when?

15     THE WITNESS: This is when I  
16 went to Rikers Island. That is what  
17 he said.

18     MS. FROMMER: Okay.

19     **Q. What did he say? What**  
20 **information did he say he had?**

21     A. He had information on a murder  
22 about a security guard in the Parkchester  
23 area of the Bronx.

24     **Q. Did you have this conversation**  
25 **with him before he was convicted or after he**

1                   **PARKER**

2 Island.

3       **Q. Other than, quote unquote, he**  
4 **had information, did he give anything more**  
5 **specific?**

6       MS. FROMMER: Objection. You  
7 can answer.

8       A. No. I think he gave the  
9 detective something more specific, because it  
10 was their case.

11     **Q. Was Mr. Alston given anything**  
12 **for providing this information?**

13     MS. FROMMER: Objection. You  
14 can answer.

15     A. I don't know anything about  
16 that.

17     **Q. Okay. Do you know if he**  
18 **received a reduction in charges because of**  
19 **the information he provided?**

20     A. I don't know.

21     **Q. Did you ever give Terrance**  
22 **Alston money?**

23     A. No.

24     **Q. Okay. At some point did -- you**  
25 **are sure about that?**

1                   **PARKER**

2 **was convicted?**

3       A. I just said he was a pretrial  
4 detainee.

5       **Q. Okay. What specifically did he**  
6 **say?**

7       MS. FROMMER: Objection. You  
8 can answer again.

9       **Q. I know he said he has**  
10 **information.**

11     A. He has information about a  
12 murder.

13     **Q. Right.**

14     A. He knew a guy who was involved  
15 in a murder in the Parkchester part of the  
16 Bronx.

17     **Q. Okay. What did you say when he**  
18 **told you that?**

19     A. Once he told me the  
20 information, I had to verify it. So I called  
21 the 43 Precinct to see if in fact they had a  
22 murder. They said they did.

23     **Q. Okay.**

24     A. And once I spoke to a detective  
25 there, the detectives came out to Rikers

1                   **PARKER**

2 A. Pretty sure.

3       **Q. Did you ever work with Terrance**  
4 **Alston after -- after that one meeting, did**  
5 **you ever speak to Terrance Alston again?**

6       A. Yeah.

7       **Q. When did you speak with**  
8 **Terrance Alston again?**

9       A. I don't recall. Maybe a couple  
10 of times of after that.

11     **Q. Can you tell me how soon after**  
12 **the first meeting did those two meetings**  
13 **occur?**

14     MS. FROMMER: Objection.

15     A. You are confusing me. Are you  
16 talking about the first time I met him or are  
17 you talking about Rikers Island? I mean are  
18 you talking about the first time we had a  
19 conversation or are you talking about the  
20 first time that I met him at Rikers Island?

21     **Q. I am asking, after the first**  
22 **time that you met him at Rikers Island, how**  
23 **much time passed between that point in time**  
24 **and the next time you spoke with him?**

25     A. Maybe a week.

42

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<p>1                    PARKER</p> <p>2        Q. Okay. And how did that second</p> <p>3 conversation come about?</p> <p>4        A. I don't recall.</p> <p>5        Q. Was it in person or over the</p> <p>6 telephone?</p> <p>7        A. It could have been over the</p> <p>8 telephone. You know, it could have been over</p> <p>9 the telephone, because I get phone calls. So</p> <p>10 I don't remember.</p> <p>11      Q. What did Mr. Alston say to you</p> <p>12 and what did you say to him?</p> <p>13      A. I can't tell you. I don't</p> <p>14 remember.</p> <p>15      Q. Okay. When was the next time</p> <p>16 you met with Mr. Alston?</p> <p>17      A. Again, I don't remember after</p> <p>18 that.</p> <p>19      Q. Did Mr. Alston ever give you</p> <p>20 any more specific information other than he</p> <p>21 knew about a murder in the Bronx?</p> <p>22      MS. FROMMER: Regarding the</p> <p>23 murder in the Bronx?</p> <p>24      MR. JOSEPH: Correct.</p> <p>25      MS. FROMMER: Okay, you can</p>	<p>1                    PARKER</p> <p>2 can answer.</p> <p>3        A. I don't give out those</p> <p>4 agreements.</p> <p>5        Q. Okay. Do you know what a</p> <p>6 "Queen for the Day Agreement" is?</p> <p>7        A. I know what is, yes.</p> <p>8        Q. And just so we have it for the</p> <p>9 record, what is a "Queen for the Day</p> <p>Agreement"?</p> <p>10      A. It is when a defendant comes in</p> <p>11 and he speaks in front of a district attorney</p> <p>12 or a U.S. Attorney and they grant him some</p> <p>13 immunity for what he is going to tell him for</p> <p>14 crimes.</p> <p>15      Q. When you first met Mr. Alston</p> <p>at Rikers Island, did you debrief him about</p> <p>everything he knew?</p> <p>16      A. I believe I debriefed him about</p> <p>the murder in the Bronx.</p> <p>17      Q. Did you debrief him about</p> <p>anything else?</p> <p>18      A. I may have, but I don't</p> <p>remember.</p> <p>19      Q. Okay. In debriefing him, did</p>
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43                    45

  

<p>1                    PARKER</p> <p>2 answer.</p> <p>3        A. To the best of my knowledge, I</p> <p>4 don't remember.</p> <p>5        Q. Okay. Did Mr. Alston give you</p> <p>6 information about any other crimes other than</p> <p>7 this murder in the Bronx?</p> <p>8        A. I don't remember.</p> <p>9        Q. Was Mr. Alston -- do you know</p> <p>10 if Mr. Alston was ultimately convicted of</p> <p>11 just weapons possession?</p> <p>12      MS. FROMMER: Objection. You</p> <p>13 can answer.</p> <p>14      A. I don't know.</p> <p>15      Q. Do you have any idea of how or</p> <p>16 why an attempted murder charge and an assault</p> <p>17 and the first charge would get dismissed</p> <p>18 after you meet with Mr. Alston?</p> <p>19      MS. FROMMER: Objection. You</p> <p>20 can answer.</p> <p>21      A. I don't know.</p> <p>22      Q. By the way, when you spoke to</p> <p>23 Mr. Alston, did you give him what is commonly</p> <p>24 known as a "Queen for the Day Agreement"?</p> <p>25      MS. FROMMER: Objection. You</p>	<p>1                    PARKER</p> <p>2 he admit to any involvement in the murder in</p> <p>3 the Bronx?</p> <p>4        A. Not that I recall.</p> <p>5        Q. Had he admitted to any</p> <p>6 involvement in the murder in the Bronx, would</p> <p>7 you have placed him under arrest or charged</p> <p>8 him?</p> <p>9        MS. FROMMER: Objection. You</p> <p>10 can answer.</p> <p>11      A. That wouldn't have been up to</p> <p>12 me. It would have been up to the district</p> <p>13 attorney.</p> <p>14      Q. Okay. When you first met him,</p> <p>15 did he tell you that he agreed to do a hit</p> <p>16 for hire on this particular security guard in</p> <p>17 the Bronx?</p> <p>18      A. No.</p> <p>19      Q. Is that something that you</p> <p>20 would recall if he told you that?</p> <p>21      A. It would probably stick out.</p> <p>22      Q. If a confidential informant had</p> <p>23 admitted to agreeing to do a hit for hire,</p> <p>24 would you have pressed charges?</p> <p>25      MS. FROMMER: Objection. You</p>
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12 (Pages 42 to 45)

1                    PARKER	1                    PARKER
2        can answer.	2        confidential informant early release in
3        A. It is not for me to press	3        exchange for information?
4        charges. It is for the DA.	4        A. No.
5        Q. Okay. Would you have passed --	5        Q. Never?
6        had a confidential informant told you that he	6        A. No.
7        had agreed to do a hit for hire on a security	7        Q. Okay. Sir, have you ever given
8        guard, would you have passed that information	8        money to a witness?
9        along to the district attorney's office?	9                    MS. FROMMER: Objection. You
10      MS. FROMMER: Objection. You	10      can answer.
11      can answer.	11      A. A witness, yes.
12      A. Sure, I'm sure I would have	12      Q. Under what circumstances would
13      done that, sure.	13      you give money to a witness?
14      Q. Okay. Did you ever meet with	14      A. For food or living
15      Mr. Alston any place other than Rikers	15      arrangements.
16      Island?	16      Q. Okay. And that would be a
17      A. I believe I went to the DA's	17      witness who is identifying somebody, correct?
18      office one time with him.	18                    MS. FROMMER: Objection.
19      Q. Okay. Do you know if Mr.	19      Q. As a perpetrator?
20      Alston had given any information that turned	20                    MS. FROMMER: Objection. You
21      out to be false?	21      can answer.
22      MS. FROMMER: About what?	22      A. That could be a witness
23      MR. JOSEPH: About this murder.	23      involved in a case that may need things. You
24      MS. FROMMER: Okay. You can	24      know, it all depends, myself or the DA's
25      answer.	25      office.

1                    PARKER	1                    PARKER
2        A. I don't know.	2        Q. I'm sorry, I didn't hear that.
3        Q. By the way, did Mr. Alston ever	3        A. I said it could be a witness
4        tell you that he knew somebody who sold a	4        involved in a case that may need lodging or
5        person a gun that was involved in this murder	5        may need food. If the DA's office determines
6        in the Bronx?	6        that they want to put this person up, you can
7        A. I don't recall that.	7        do it that way also.
8        Q. Is that something that you	8        Q. Prior to a DA getting involved
9        would recall?	9        in a case, have you ever given a witness
10      A. I don't recall it. So I	10      money?
11      wouldn't recall it. If I said I didn't	11      A. Yes.
12      recall, I didn't recall.	12                    MS. FROMMER: Objection. You
13      Q. Okay. Was that something that	13      can answer.
14      would kind of stick out in your mind?	14      A. Yes.
15      MS. FROMMER: Objection. You	15      Q. Why would you give a witness
16      can answer.	16      money?
17      A. I can't say that, no.	17      A. So they could make phone calls,
18      Q. Did you discuss either a	18      call me and get food.
19      reduction in the charge or an early release	19      Q. Did you give any witnesses
20      with Mr. Alston in exchange for the	20      money concerning the investigation into the
21      information he was providing?	21      homicide of the Bronx Parkchester security
22      MS. FROMMER: Objection. You	22      guard?
23      can answer.	23      A. No.
24      A. No.	24      Q. Okay. Do you know if Mr.
25      Q. Sir, have you ever promised a	25      Alston ever referred to you as his meal

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<p>1                   <b>PARKER</b></p> <p>2 ticket?</p> <p>3     A. No.</p> <p>4     <b>Q. Was that a common thing you</b></p> <p>5 <b>did?</b></p> <p>6     MS. FROMMER: Objection.</p> <p>7     A. What do you mean?</p> <p>8     <b>Q. Was it common for you to give</b></p> <p>9 <b>money to witnesses in criminal</b></p> <p>10 <b>investigations?</b></p> <p>11    MS. FROMMER: Objection. You</p> <p>12    can answer.</p> <p>13    A. Not common.</p> <p>14    <b>Q. Okay. Were you aware that Mr.</b></p> <p>15 <b>Alston was ultimately sentenced to four</b></p> <p>16 <b>years?</b></p> <p>17    A. I don't recall.</p> <p>18    <b>Q. Did Mr. Alston ever tell you</b></p> <p>19 <b>about a gentleman named Johnnie Baker who</b></p> <p>20 <b>allegedly sold somebody a gun involved in a</b></p> <p>21 <b>murder?</b></p> <p>22    A. I don't recall.</p> <p>23    <b>Q. If that information had been</b></p> <p>24 <b>provided to you, would you have attempted to</b></p> <p>25 <b>verify it?</b></p>	<p>1                   <b>PARKER</b></p> <p>2 Alston to anybody in the assistant district</p> <p>3 attorney's office?</p> <p>4         MS. FROMMER: Objection. you</p> <p>5         can answer again.</p> <p>6         A. To the best of my knowledge,</p> <p>7 no.</p> <p>8         <b>Q. If Mr. Alston were provided a</b></p> <p>9 <b>deal for early release, would the parameters</b></p> <p>10 <b>of that deal be in the confidential informant</b></p> <p>11 <b>file?</b></p> <p>12         MS. FROMMER: Objection. you</p> <p>13         can answer.</p> <p>14         A. That would be up to the</p> <p>15 district attorney's office.</p> <p>16         <b>Q. Sir, did you ever get a -- did</b></p> <p>17 <b>you ever broker deals where felony charges</b></p> <p>18 <b>were dropped in exchange for testimony?</b></p> <p>19         MS. FROMMER: Objection. You</p> <p>20         can answer.</p> <p>21         A. I don't make deals.</p> <p>22         <b>Q. Okay. Well, did you ever talk</b></p> <p>23 <b>an assistant district attorney into dropping</b></p> <p>24 <b>felony charges in exchange for criminal</b></p> <p>25 <b>testimony?</b></p>
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<p>1                   <b>PARKER</b></p> <p>2     A. If it was provided to me, yeah.</p> <p>3     <b>Q. Okay. Was your CI file ever</b></p> <p>4 <b>given to the district attorney's office?</b></p> <p>5     A. That I can't say. I don't</p> <p>6 remember.</p> <p>7     <b>Q. Okay. Was it your custom and</b></p> <p>8 <b>practice to give the district attorney's</b></p> <p>9 <b>office a copy of the confidential informant</b></p> <p>10 <b>file if a confidential informant became a</b></p> <p>11 <b>witness?</b></p> <p>12    MS. FROMMER: Objection. You</p> <p>13    can answer.</p> <p>14    A. No.</p> <p>15    <b>Q. Okay. And would it be fair to</b></p> <p>16 <b>say that, if the confidential informant's</b></p> <p>17 <b>file were never given to the district</b></p> <p>18 <b>attorney, it would never be given to the</b></p> <p>19 <b>defense counsel in a particular case,</b></p> <p>20 <b>correct?</b></p> <p>21    MS. FROMMER: Objection. You</p> <p>22    can answer, if you can.</p> <p>23    A. I can't.</p> <p>24    <b>Q. All right. Did you ever give</b></p> <p>25 <b>the confidential informant file for Terrance</b></p>	<p>1                   <b>PARKER</b></p> <p>2     A. No.</p> <p>3         MR. JOSEPH: Let's mark this.</p> <p>4         MS. FROMMER: Just for the</p> <p>5 record you are using an exhibit at the</p> <p>6 deposition that has not been produced</p> <p>7 to me in discovery.</p> <p>8 RQ         So I am going to request an</p> <p>9 entire copy of that be produced to me</p> <p>10 in discovery, please.</p> <p>11         MR. JOSEPH: I have no problem.</p> <p>12 For the record, it is something used</p> <p>13 only for impeachment and not</p> <p>14 affirmatively, and under Rule 26 it</p> <p>15 doesn't have to be. That being said,</p> <p>16 I have no objection giving you a copy.</p> <p>17         MS. FROMMER: Actually if you</p> <p>18 are intending to enter something as an</p> <p>19 exhibit, you have an obligation to</p> <p>20 provide me with a copy.</p> <p>21         MR. JOSEPH: Which I will.</p> <p>22         MS. FROMMER: And whether or</p> <p>23 not you have a copy of that, you are</p> <p>24 under an obligation to give me a copy</p> <p>25 if you have to go out and buy a copy</p>
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14 (Pages 50 to 53)

54

56

1 PARKER 1  
 2 on your own. That is your 2  
 3 responsibility, not mine. 3  
 4 MR. JOSEPH: I have no problem. 4  
 5 MS. FROMMER: I am just saying, 5  
 6 you are attempting to use 6  
 7 documentation in this deposition that 7  
 8 has not been provided to me during 8  
 9 discovery. I am just noting that. 9  
 10 Note my objection to any line of 10  
 11 questioning that has to do with an 11  
 12 exhibit that has never been provided 12  
 13 or identified in discovery. 13  
 14 MR. JOSEPH: For the record, 14  
 15 this is a document that is not used 15  
 16 affirmatively to establish our case. 16  
 17 It is used solely for impeachment, 17  
 18 which we don't have to produce under 18  
 19 Rule 26. That being said, we will be 19  
 20 more than happy to provide you with a 20  
 21 copy of it. 21  
 22 MS. FROMMER: Okay. But Rule 22  
 23 does not require -- actually 23  
 24 anything that you want to use in your 24  
 25 case has to be identified. You have 25

55

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1 PARKER 1  
 2 never identified this. 2  
 3 MR. JOSEPH: Not for 3  
 4 impeachment, Counsel. Look at Rule 4  
 5 26. 5  
 6 MS. FROMMER: That is not 6  
 7 accurate. 7  
 8 MR. JOSEPH: We can deal with 8  
 9 it later. Let's just mark it. 9  
 10 MS. FROMMER: That's fine, but 10  
 11 under the Southern District of New 11  
 12 York you will never be able to 12  
 13 introduce evidence at trial that has 13  
 14 never been produced in discovery. 14  
 15 MR. JOSEPH: And we will be 15  
 16 more than happy to produce you a copy. 16  
 17 MS. FROMMER: Thank you. 17  
 18 MR. JOSEPH: Off the record. 18  
 19 (Discussion off the record.) 19  
 20 (Plaintiff's Exhibit 31, book, 20  
 21 marked for identification.) 21  
 22 Q. Sir, I am going to show you 22  
 23 what has been marked as Exhibit 31 and ask 23  
 24 you if you recognize this document? 24  
 25 A. Yes, I do. 25

1 PARKER  
 me where it says that on that page.  
 On page 78 your quote of "nine times  
 out of ten" does not appear anywhere  
 on that page. Therefore, I am going  
 to instruct --  
 MR. JOSEPH: Okay, I will read  
 it directly from the book.  
 Q. Did you ever tell a witness,  
 "but if you talk, if you cooperate, I will  
 make a recommendation to the ADA that this  
 infraction that brought you in here be  
 overlooked. I wasn't bullshitting. Nine  
 times out of ten the DA goes for it"?  
 A. Can I see that?  
 Q. Yes, it is right over here.  
 A. It does say that in my book,  
 yes.  
 Q. So did you ever make a  
 recommendation to an ADA that felony charges  
 be dropped in exchange for somebody being a  
 witness?  
 A. Are you talking about this  
 particular case or another case?  
 Q. Ever, ever.

15 (Pages 54 to 57)

1                   **PARKER**

2       A. Yeah, of course.

3       **Q. Okay. And is that something**  
4       **you commonly did to get somebody, to get**  
5       **people to be witnesses?**

6       MS. FROMMER: Objection. You  
7       can answer.

8       A. Again, and I am going to say  
9       this for the record, I don't make deals. The  
10      DA's office does. I can recommend whatever I  
11      want, but it is up to the DA to decide what  
12      they want to do.

13      **Q. Okay. During your time in the**  
14      **intelligence unit, did you commonly tell a**  
15      **confidential informant that you would**  
16      **recommend that charges be dropped or**  
17      **overlooked in exchange for testimony?**

18      MS. FROMMER: Objection. You  
19      can answer.

20      A. Again, I don't tell -- I don't  
21      make deals with people. The DA's office  
22      does.

23      **Q. Listen to the question, sir. I**  
24      **haven't asked if you made a deal.**

25      **I am asking you, if during your**

1                   **PARKER**

2       speak to the DA and the DA would let them  
3       know if they would do anything with the  
4       charges that they are in for.

5       **Q. And is that something you did**  
6       **on a regular basis while working confidential**  
7       **informants?**

8       MS. FROMMER: Objection.

9       **Q. During your time at the**  
10      **intelligence unit?**

11      A. I wouldn't say regular basis.  
12      I would say on a case-by-case basis.

13      **Q. What percentage of the**  
14      **confidential informants with whom you were**  
15      **working at intelligence unit did you make**  
16      **such a recommendation to an ADA?**

17      MS. FROMMER: Objection. You  
18      can answer.

19      A. I couldn't give you a  
20      percentage, because there is really not a  
21      percentage to give. It all depends on what  
22      the confidential informant is giving you and  
23      if the information is useful and the DA feels  
24      it is useful, they will be the one to make  
25      the deal with the defendant, not me.

1                   **PARKER**

2       **time at the intelligence unit, if whether it**  
3       **was something you normally did or part of**  
4       **your practice to represent or tell a person**  
5       **who had been arrested, that the charges would**  
6       **be dismissed or overlooked if they cooperated**  
7       **in a different case?**

8       MS. FROMMER: Objection. That  
9       is not your same question.

10      A. Right.

11      MS. FROMMER: That is a  
12      different question. Note my objection  
13      on the record.

14      A. I still don't understand your  
15      question, because you are confusing me.

16      **Q. Okay. At the time that you**  
17      **were at the intelligence unit, did you**

18      **regularly tell people facing criminal charges**  
19      **that you would recommend to the ADA that the**  
20      **charges be overlooked or dismissed in**  
21      **exchange for their providing testimony?**

22      MS. FROMMER: Objection. You  
23      can answer.

24      A. I would probably say on a  
25      case-by-case basis I suggested that they go

1                   **PARKER**

2       **Q. Okay. Would it be fair to say**  
3       **that, if a CI gives you, quote unquote,**  
4       **useful information, it is more than likely**  
5       **that his case will ultimately be dismissed or**  
6       **reduced?**

7       MS. FROMMER: Objection. You  
8       can answer.

9       A. Again, I can't answer that  
10      question totally. Again, how do you -- how  
11      can I say that the information he is giving  
12      me is useful. It is going to be up to the  
13      district attorney to determine if it is  
14      useful, not me.

15      **Q. Okay. Sir, you made**  
16      **recommendations to the assistant district**  
17      **attorney, correct?**

18      MS. FROMMER: Objection. In  
19      what context?

20      A. Right.

21      **Q. During your time at the**  
22      **intelligence unit, did you make**  
23      **recommendations to the ADA, that felony**  
24      **charges be dismissed in exchange for witness**  
25      **testimony?**

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<p>1                   <b>PARKER</b></p> <p>2       A. No.</p> <p>3       <b>Q. Okay. What recommendations, if</b></p> <p>4       <b>any, did you make to the ADA concerning</b></p> <p>5       <b>overlooking criminal charges?</b></p> <p>6       MS. FROMMER: Objection. You</p> <p>7       can answer.</p> <p>8       A. I can never make a</p> <p>9       recommendation for a DA to overlook criminal</p> <p>10      charges. Everything is on a case-by-case</p> <p>11      basis and it depends on the information that</p> <p>12      the informant is providing, if the DA's</p> <p>13      office feels it is useful and necessary, they</p> <p>14      will make that determination. It is not my</p> <p>15      determination that I can make.</p> <p>16      <b>Q. Okay. Did you often promise</b></p> <p>17      <b>confidential informants that you are working</b></p> <p>18      <b>with that their cases might go away if they</b></p> <p>19      <b>provided useful information?</b></p> <p>20      MS. FROMMER: Objection. You</p> <p>21      can answer.</p> <p>22      A. I can never make a promise to</p> <p>23      anyone like that.</p> <p>24      <b>Q. Did you ever suggest, make that</b></p> <p>25      <b>sort of a suggestion?</b></p>	<p>1                   <b>PARKER</b></p> <p>2       <b>Q. Okay. A determination as to</b></p> <p>3       <b>what?</b></p> <p>4       A. What the DA's office is going</p> <p>5       to do with his information or her</p> <p>6       information.</p> <p>7       <b>Q. And what if anything did you</b></p> <p>8       <b>suggest, did you normally suggest to the</b></p> <p>9       <b>person that they would get in response for</b></p> <p>10      <b>providing this information?</b></p> <p>11      MS. FROMMER: Objection.</p> <p>12      A. There is nothing really to</p> <p>13      suggest. It is up to the district attorney's</p> <p>14      office again.</p> <p>15      <b>Q. Okay. Well, what is up to the</b></p> <p>16      <b>district attorney's office?</b></p> <p>17      A. To determine whatever</p> <p>18      information that the person is giving me is</p> <p>19      useful information.</p> <p>20      <b>Q. And if it is in fact useful</b></p> <p>21      <b>information, what did you suggest would be</b></p> <p>22      <b>the benefit to the person providing it, if</b></p> <p>23      <b>any?</b></p> <p>24      MS. FROMMER: Objection. You</p> <p>25      can answer.</p>	
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<p>1                   <b>PARKER</b></p> <p>2       MS. FROMMER: Objection. You</p> <p>3       can answer.</p> <p>4       A. Again, everything is on a</p> <p>5       case-by-case basis. I don't make those</p> <p>6       decisions. It is up to the ADA.</p> <p>7       <b>Q. Sir, I didn't ask you who made</b></p> <p>8       <b>the decision.</b></p> <p>9       <b>I asked you if you ever</b></p> <p>10      <b>suggested to a person facing criminal charges</b></p> <p>11      <b>that his case might go away if he provided</b></p> <p>12      <b>witness information?</b></p> <p>13      MS. FROMMER: Objection. You</p> <p>14      can answer.</p> <p>15      A. Not go away.</p> <p>16      <b>Q. Okay. You tell me, what</b></p> <p>17      <b>suggestions, if any, did you make to people</b></p> <p>18      <b>who are facing criminal charges in order to</b></p> <p>19      <b>get them to provide you information?</b></p> <p>20      MS. FROMMER: Objection. You</p> <p>21      can answer.</p> <p>22      A. I suggest that you tell me the</p> <p>23      truth, and whatever you tell me, I will bring</p> <p>24      it to the DA and let the DA make a</p> <p>25      determination.</p>	<p>1                   <b>PARKER</b></p> <p>2       A. I can't make that suggestion.</p> <p>3       That, again, comes from the DA's office. I</p> <p>4       don't have the power to make those</p> <p>5       suggestions.</p> <p>6       <b>Q. Okay. Are you telling us that</b></p> <p>7       <b>you have never suggested to a criminal</b></p> <p>8       <b>defendant or someone facing criminal charges,</b></p> <p>9       <b>that your case would be overlooked?</b></p> <p>10      A. I never, ever said that to a</p> <p>11      criminal defendant.</p> <p>12      <b>Q. Okay. Did you ever suggest to</b></p> <p>13      <b>Terrance Alston that his murder, attempted</b></p> <p>14      <b>murder and assault charge would go away in</b></p> <p>15      <b>exchange for information?</b></p> <p>16      A. No.</p> <p>17      <b>Q. Did you have any role</b></p> <p>18      <b>whatsoever in assisting Mr. Alston in getting</b></p> <p>19      <b>early release?</b></p> <p>20      A. Yes.</p> <p>21      <b>Q. Are you familiar with the</b></p> <p>22      <b>phrase "working off time"?</b></p> <p>23      A. Yes.</p> <p>24      <b>Q. What does that phrase mean?</b></p> <p>25      A. It refers to an informant</p>	

1 PARKER  
 2 working off time, giving us information, but  
 3 again, that is determined by someone else,  
 4 not me.

5 Q. Okay. What does working off  
 6 time mean?

7 A. To go out, to do things  
 8 necessary for an informant that you need him  
 9 to do, make buys, give information, a  
 10 multitude of different things.

11 Q. And what does that informant  
 12 get in return, when he is working off time?

13 MS. FROMMER: Objection. You  
 14 can answer.

15 A. I think you just said that. He  
 16 is working off time. That is what that term  
 17 means.

18 Q. Does it mean that he is getting  
 19 time off of his sentence?

20 A. That is what it would suggest,  
 21 yeah.

22 Q. Okay. Did any of your CIs  
 23 ever, quote unquote, work off time in  
 24 exchange for testimony?

25 MS. FROMMER: Objection. You

1 PARKER  
 2 Q. And what are those rules?  
 3 A. To work within the guidelines.  
 4 For example, he has to report in to whoever  
 5 his handler is. He has to call in. He has  
 6 to keep in touch. And if he gets arrested or  
 7 anything happens, he has to notify you right  
 8 away.

9 Q. And were you Mr. Alston's  
 10 handler?

11 A. Not solely, no.

12 Q. Who else was Mr. Alston's  
 13 handler?

14 A. I couldn't tell you that.

15 Q. Okay. Would there be a record  
 16 of that somewhere?

17 A. Again, I couldn't tell you  
 18 that.

19 Q. Sir, were you ever concerned,  
 20 that Mr. Alston was providing you false  
 21 information in exchange for getting out  
 22 early?

23 MS. FROMMER: Objection. You  
 24 can answer.

25 A. No.

1 PARKER  
 2 can answer.

3 A. To the best of my recollection,  
 4 I can't say I had a CI who was working off  
 5 time.

6 Q. Do you know if Mr. Alston --  
 7 are you aware if Mr. Alston was released  
 8 early?

9 A. I don't recall.

10 Q. Okay. Sir, is it fair to say  
 11 that often a confidential informant will have  
 12 their own agenda?

13 MS. FROMMER: Objection. You  
 14 can answer, if you can.

15 A. I mean that is with anyone.

16 Q. Okay. Is a confidential

17 informant having their own agenda something  
 18 that you have to be aware of when dealing  
 19 with informants?

20 MS. FROMMER: Objection. You  
 21 can answer.

22 A. A confidential informant is not  
 23 supposed to have his own agenda. He is  
 24 supposed to go by the rules that is governed  
 25 by yourself and by the DA's office.

1 PARKER

2 Q. Did you ever take any steps to  
 3 verify the information that Mr. Alston was  
 4 providing you?

5 A. Yes.

6 Q. Okay. And other than calling  
 7 your precinct and seeing that a murder did  
 8 happen, what if anything did you do?

9 A. The detectives from the 43rd  
 10 Precinct came to Rikers Island, told me that  
 11 they wanted to interview him. So that led me  
 12 to believe that the information that he was  
 13 telling me was sort of accurate.

14 Q. Sort of accurate?

15 A. Yes, because they came all the  
 16 way to Rikers Island to interview him.

17 Q. Okay. Were you present when  
 18 they interviewed him?

19 A. No.

20 Q. Okay. Was there any reason  
 21 that you weren't present when they  
 22 interviewed him?

23 A. Because they might want to ask  
 24 him questions that they may not want me in  
 25 the room with him.

1	PARKER	1	PARKER
2	<b>Q.</b> And why would that be?	2	DI MS. FROMMER: Objection. I am
3	A. Because they have the case. I	3	going to instruct him not to answer.
4	don't.	4	That is harassing.
5	<b>Q.</b> Now, sir, did you learn when	5	<b>Q.</b> Well, sir, did you ever say, if
6	this murder -- how soon after the murder did	6	you want to solve a homicide, you are going
7	you get this phone call from Mr. Alston?	7	to need informants, period. Quote "Fuck DNA
8	MS. FROMMER: Objection. You	8	testing. Fuck all the flashy
9	can answer.	9	divorced-from-reality high-tech cop shows you
10	A. That I don't recall.	10	see on TV. Informants are how most homicides
11	<b>Q.</b> Okay. Well, sir, did you learn	11	are solved," did you say that?
12	that Mr. Alston was in jail when the murder	12	A. Are you referring to my book?
13	occurred?	13	<b>Q.</b> I am asking you, did you say
14	A. Again, I don't know. I don't	14	that?
15	remember.	15	A. I am asking what you are
16	<b>Q.</b> Would you find it strange that	16	referring to that I said that to?
17	a confidential informant had information	17	<b>Q.</b> Take a look at page 64.
18	concerning a murder that occurred while he	18	MS. FROMMER: Off the record.
19	was in jail?	19	(Discussion off the record.)
20	MS. FROMMER: Objection. You	20	MS. FROMMER: I am going to
21	can answer.	21	ask, when you ask that question, that
22	A. Again, I don't recall that.	22	you actually read the sentence before
23	<b>Q.</b> Okay. Sir, based on your	23	it so it is in context of which it is
24	experience, is it good police practice to	24	written in this book.
25	charge someone with murder based solely on	25	You can read it. I want you to

1	PARKER	1	PARKER
2	<b>the word of a confidential informant?</b>	2	read everything before and after that
3	MS. FROMMER: Objection. You	3	so you can read the question.
4	can answer.	4	<b>THE WITNESS:</b> You want me to
5	A. Based on my experience, there	5	read it?
6	are a lot of other factors that go into	6	MS. FROMMER: You can read it
7	making an arrest, not just from an informant,	7	to yourself before you answer his
8	but from eyewitnesses, evidence. And that	8	question.
9	determination, again, is made by the district	9	A. Okay.
10	attorney's office.	10	<b>Q.</b> Did you make that statement?
11	*R Q. No. My question to you was, is	11	A. Yes.
12	it good police practice to arrest someone	12	<b>Q.</b> What do you mean by that?
13	based solely on the word of a confidential	13	A. What I mean by that is, you
14	informant?	14	know, working in certain areas, you have to
15	DI MS. FROMMER: I am going to	15	talk to informants, because informants give
16	object and direct him not to answer	16	you information.
17	that, because you are making a	17	MS. FROMMER: Just for the
18	hypothetical. I am going to instruct	18	record, the thing you, quote unquote,
19	him not to answer that.	19	said is a statement is not a
20	MR. JOSEPH: Mark it for a	20	statement. It was a piece of
21	ruling.	21	literature in a book. It is not in
22	MS. FROMMER: Okay.	22	quotation marks. And according to
23	<b>Q.</b> Sir, did you ever disregard	23	page 64, it was not a statement that
24	other evidence based solely on what a	24	was ever made to anyone at any time.
25	confidential informant told you?	25	MR. JOSEPH: Other than the

1 PARKER  
 2 general public.  
 3 MS. FROMMER: Well, it is a  
 4 statement. It is a summarization of a  
 5 thought in his head. So you calling  
 6 it -- whether he ever made that  
 7 statement, I object to that  
 8 characterization, as it is inaccurate.  
 9 Q. Sir, are you indicating that  
 10 you disregarded other evidence and solely  
 11 relied upon the information provided by  
 12 confidential informants?  
 13 A. I never disregard other  
 14 evidence, no.  
 15 Q. Do you know a gentleman named  
 16 Mike Booth?  
 17 A. No.  
 18 Q. Do you know who he is?  
 19 A. No.  
 20 Q. Are you aware of a bookie named  
 21 Mike Booth who worked at the Hunts Point  
 22 Market?  
 23 A. No.  
 24 Q. Okay. Did you ever know  
 25 someone named Chris Tartone or know of

1 PARKER  
 2 Q. What happened the second time  
 3 that you met with Mr. Alston?  
 4 A. I think the next time I met him  
 5 we were going to the DA's office.  
 6 Q. Okay. And was he still in  
 7 Rikers Island at the point in time when you  
 8 met him on the second occasion?  
 9 A. I don't recall.  
 10 Q. Did you go to Rikers Island and  
 11 pick him up?  
 12 A. Myself?  
 13 Q. Correct.  
 14 A. No.  
 15 Q. Okay. Where did you meet Mr.  
 16 Alston?  
 17 A. The DA's office.  
 18 Q. Was he wearing any sort of  
 19 prison uniform?  
 20 A. Again, I don't recall.  
 21 Q. Okay. Do you have any  
 22 recollection of him being in handcuffs or  
 23 shackles?  
 24 MS. FROMMER: Objection. You  
 25 can answer.

1 PARKER  
 2 someone named Chris Tartone?  
 3 A. No.  
 4 Q. Are you familiar with a  
 5 pizzeria on Metropolitan Avenue in the Bronx?  
 6 A. There is a bunch of pizzerias  
 7 around there.  
 8 Q. Okay. Well, specifically are  
 9 you familiar with a pizzeria on Metropolitan  
 10 Avenue right across from the Parkchester  
 11 complex?  
 12 A. It doesn't ring a bell to me,  
 13 no.  
 14 Q. Okay. Do you know someone  
 15 named Sal Miro?  
 16 A. No.  
 17 Q. What happened the second time  
 18 you met Mr. Alston?  
 19 A. Are you referring to Rikers  
 20 Island again?  
 21 Q. I don't know whether it was in  
 22 Rikers Island or somewhere else.  
 23 After the first meeting in  
 24 Rikers Island, which you told us about?  
 25 A. Right.

1 PARKER  
 2 A. I don't recall.  
 3 Q. When the meeting with the DA's  
 4 office was over, did he walk out on his own?  
 5 MS. FROMMER: Objection. You  
 6 can answer.  
 7 A. I don't recall.  
 8 Q. Do you have any recollection of  
 9 him being escorted by anybody after the  
 10 meeting was over?  
 11 MS. FROMMER: Objection. You  
 12 can answer.  
 13 A. Again, I don't recall.  
 14 Q. Who else was present at the  
 15 meeting with the ADA?  
 16 A. A detective from the 43rd, I  
 17 believe.  
 18 Q. Was his name Agostini?  
 19 A. I don't recall.  
 20 Q. Okay. Was anyone else present?  
 21 A. The DA.  
 22 Q. Was that a Miss Saccia?  
 23 A. I don't remember her name.  
 24 Q. It was a female, correct?  
 25 MS. FROMMER: Objection. You

<p>1 PARKER      2 can answer.      3 A. To the best of my knowledge, I      4 don't recall.</p> <p>5 Q. Other than yourself, the ADA,      6 Mr. Alston and this detective from the 43rd      7 Precinct, was anyone else present?</p> <p>8 A. Again, I don't recall.</p> <p>9 Q. Okay. Tell me everything that      10 you recall being said at that second meeting.</p> <p>11 A. I don't recall.</p> <p>12 Q. Do you recall anything that was      13 said?</p> <p>14 A. No.</p> <p>15 Q. Was there a gentleman named      16 Mark Damon also present?</p> <p>17 A. I don't recall.</p> <p>18 Q. By the way, did Mr. Alston      19 testify before the grand jury concerning the      20 Bronx homicide of the security officer?</p> <p>21 MS. FROMMER: Objection. You      22 can answer, if you can.</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. I will show you what has      25 been marked Exhibit 23, dated 12/20/07. I am</p>	<p>1 PARKER      2 the ADA -- by the way, did you ever testify      3 in the grand jury concerning the Bronx      4 homicide of the security officer?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Okay. Was it your custom and      7 practice to take notes at a meeting with an      8 ADA?</p> <p>9 MS. FROMMER: Objection. You      10 can answer.</p> <p>11 A. In certain cases, yeah.</p> <p>12 Q. What would happen to those      13 notes typically?</p> <p>14 A. They would go in the DDS.</p> <p>15 Q. In the DDS?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Have you looked for any      18 DDSs concerning the investigation and      19 prosecution of Anthony Manganiello?</p> <p>20 A. No.</p> <p>21 Q. Do you know if you ever made a      22 DDS concerning the arrest and prosecution of      23 Anthony Manganiello?</p> <p>24 A. No.</p> <p>25 Q. Can you tell me why you were</p>
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<p>1 PARKER      2 going to ask you to read it to yourself.</p> <p>3 A. Okay.</p> <p>4 Q. After looking at Exhibit 23,      5 has your recollection been refreshed in any      6 way?</p> <p>7 A. Yes. It appears that I was at      8 this meeting.</p> <p>9 Q. Okay. Was this meeting the      10 second one you were describing or is this a      11 different meeting?</p> <p>12 A. I don't recall.</p> <p>13 Q. Okay. Do you have any      14 recollection, as you sit here right now, of      15 this meeting?</p> <p>16 A. Only that my name appears on      17 the report and that I was there.</p> <p>18 Q. Other than your name appearing      19 on the report, do you have any independent      20 recollection?</p> <p>21 A. No.</p> <p>22 Q. At the meeting with the DA, did      23 you take any handwritten notes?</p> <p>24 A. No.</p> <p>25 Q. After this second meeting with</p>	<p>1 PARKER      2 present at the meeting with the ADA?</p> <p>3 A. At this particular meeting that      4 you are referring to?</p> <p>5 Q. On the second date, whether it      6 is the date reflected in the --</p> <p>7 A. Well, the reason I was there      8 was probably because of Terrance Alston.</p> <p>9 Q. Okay. What specifically about      10 Terrance Alston made you come to be present      11 at this meeting?</p> <p>12 A. I guess so he could be      13 comfortable with the people he was dealing      14 with.</p> <p>15 Q. Was Mr. Alston made any      16 promises at this meeting?</p> <p>17 MS. FROMMER: Objection. You      18 can answer.</p> <p>19 A. I don't recall.</p> <p>20 Q. Was Mark Damon made any      21 promises at this meeting?</p> <p>22 MS. FROMMER: Objection. You      23 can answer.</p> <p>24 A. I don't recall.</p> <p>25 Q. Do you have any recollection,</p>
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	<b>PARKER</b>	1	<b>PARKER</b>
2	as you sit here right now, whether Mr. Damon	2	A. Again, are you referring to the
3	was present at the second meeting you are	3	book?
4	referring to?	4	<b>Q.</b> Take a look at page 23.
5	A. I have no recollection.	5	A. Okay.
6	<b>Q.</b> Okay. Did you ever meet with	6	MS. FROMMER: Let me read it
7	<b>Mr. Damon outside of the district attorney's</b>	7	first.
8	<b>office?</b>	8	Can you repeat your question,
9	A. To the best of my knowledge,	9	please?
10	no.	10	MR. JOSEPH: Okay.
11	<b>Q.</b> Was Mr. Damon a confidential	11	<b>Q.</b> Did you ever say that you had
12	<b>informant?</b>	12	unorthodox methods which sometimes clashed
13	A. Again, to the best of my	13	with the powers that be and threatened police
14	knowledge, I don't know.	14	tradition?
15	<b>Q.</b> Aside from the second -- after	15	MS. FROMMER: I object to your
16	<b>the second meeting, did you ever speak or</b>	16	quote.
17	<b>meet with Mr. Alston again?</b>	17	You can read it.
18	A. I don't recall.	18	A. Yes, referring to hip-hop.
19	<b>Q.</b> As you sit here right now, do	19	<b>Q.</b> Okay. What did you mean by
20	<b>you have any recollection of any meetings</b>	20	that?
21	<b>with Mr. Alston or conversations with Mr.</b>	21	A. Well, in the hip-hop industry
22	<b>Alston after that day at the district</b>	22	there are gray areas. The police department
23	<b>attorney's office?</b>	23	tends to want to do things by the book, 1, 2,
24	MS. FROMMER: Objection. You	24	3, 4, 5. And sometimes, when you have these
25	can answer.	25	gray areas, it is not so easy to do things 1,

83 85

	PARKER
2	A. I think I answered that. I
3	told you that I spoke to him on the phone.
4	<b>Q. Okay. You spoke to him on the</b>
5	<b>phone after the ADA's office?</b>
6	A. After the ADA's office.
7	<b>Q. And for what reason or reasons</b>
8	<b>did you speak to him on the phone?</b>
9	A. He called me to see how I was
10	doing, to see how he was doing.
11	<b>Q. When he called you, did he call</b>
12	<b>from jail or from someplace else?</b>
13	A. That I don't recall.
14	<b>Q. Do you know if Mr. Alston was</b>
15	<b>ever released?</b>
16	A. I don't know.
17	<b>Q. Did Mr. Alston participate in</b>
18	<b>any other cases as a confidential informant?</b>
19	A. To the best of my knowledge,
20	no.
21	<b>Q. By the way, did you ever say</b>
22	<b>you used unorthodox methods that sometimes</b>
23	<b>clashed with police tradition?</b>
24	MS. FROMMER: Objection. You
25	can answer.
	PARKER
2	2, 3, 4, 5, by the numbers.
3	<b>Q. Okay. What do you mean by</b>
4	<b>that? What do you mean by a gray area?</b>
5	A. A gray area is a gray area. I
6	mean something is black and white is black
7	and white. Something is gray area means it
8	is not black and white.
9	It is not so simple to solve.
10	It is something that you need a little
11	finessing. It is something you need to do a
12	little different to get the answers or things
13	that you want.
14	<b>Q. And what do you mean by</b>
15	<b>"finessing"?</b>
16	A. Just what I said, you know.
17	For example, you know, saying that someone
18	committed a crime is not so easy if there is
19	no witnesses. So maybe there is a gray area.
20	Maybe something else happened, some other
21	mitigating circumstances that led someone to
22	say that or that crime to be committed.
23	There is a bunch of different
24	interpretations. This is just an
25	interpretation.

	PARKER	1	PARKER
2	Q. Thank you. But what I want to	2	A. Yes.
3	ask you is what you meant by that?	3	Q. Okay. And did you call it a
4	A. I just told you.	4	flimsy excuse?
5	Q. What do you mean by unorthodox	5	A. I don't know if I said flimsy
6	methods?	6	excuse.
7	MS. FROMMER: Just for the	7	Q. Keep reading.
8	record, he doesn't use the words	8	A. Flimsy assertion?
9	"unorthodox methods" in his book.	9	Q. "Flimsy assertion," what you
10	DI So I am going to object and	10	did mean by a flimsy assertion?
11	instruct him not to answer when you	11	A. It means that the judge in the
12	completely misquoted the sentence that	12	case felt, you know, it was just something
13	you claim to be quoting. If you would	13	that he forgot or he couldn't find it. It is
14	like to rephrase it to accurately	14	just a flimsy assertion.
15	reflect the quote, I will let him	15	Q. In all of your years of being a
16	answer, but I am not going to let him	16	homicide detective, aside from this one
17	answer a question that is misquoted.	17	incident, did you ever hear of a homicide
18	MR. JOSEPH: Let me see his	18	detective losing an entire case file?
19	quote.	19	A. It happens, yeah.
20	Q. What did you mean by your	20	Q. Okay. And is that something
21	methods sometimes clashed with the powers	21	that you would consider a flimsy assertion?
22	that be?	22	A. I mean it all depends. It may
23	MS. FROMMER: Objection. You	23	not have been his fault. It might have been
24	can answer.	24	a homicide that was an old homicide that
25	A. Again, referring to the hip-hop	25	might have been put in storage and, you know,

	<b>PARKER</b>
1	
2	music industry. Sometimes there are things
3	that you have to do that might be different
4	that the powers may not respect. You know,
5	you are talking to an individual involved in
6	the hip-hop industry, you know, because of
7	the influence of money and power and things,
8	you know, that are involved with that
9	industry.
10	<b>Q. By the way, did you ever</b>
11	<b>publicly criticize a detective for losing a</b>
12	<b>file?</b>
13	A. Did I ever publicly criticize,
14	I don't recall.
15	<b>Q. Take a look at page 61.</b>
16	MS. FROMMER: I will allow him
17	to answer the question subject to the
18	statement that he was discussing
19	members of the Los Angeles Police
20	Department.
21	MR. JOSEPH: That's fine.
22	MS. FROMMER: You can answer.
23	<b>Q. Did you ever criticize a Los</b>
24	<b>Angeles Police Department member for losing a</b>
25	<b>file?</b>
1	<b>PARKER</b>
2	it got sent to certain different places and
3	he couldn't find it.
4	<b>Q. I am talking about an active</b>
5	<b>homicide file.</b>
6	A. Well, that is what I am saying,
7	an active homicide file. It could be an old
8	file. It could be something from years ago.
9	Homicides are always active. It could just
10	be something from years ago that they had to
11	make room to store it someplace else.
12	<b>Q. Did you ever hear of an active</b>
13	<b>homicide file in a case that was being</b>
14	<b>prosecuted being lost?</b>
15	A. To the best of my knowledge,
16	no.
17	<b>Q. Okay. Is that something --</b>
18	<b>throughout the City of New York, based on</b>
19	<b>your experience as a homicide detective, are</b>
20	<b>there established procedures for maintaining</b>
21	<b>active homicide files?</b>
22	MS. FROMMER: Objection. I am
23	going to instruct the witness, to the
24	best of his knowledge and his
25	experience, only in the commands he

1 PARKER  
 2 has worked on.  
 3 DI I am going to instruct him not  
 4 to answer about police procedure  
 5 throughout the entire City of New York  
 6 on homicide cases, as he has no  
 7 personal knowledge of that. He is not  
 8 here as a 30(b)(6) witness.

9 So to the extent that you can  
 10 testify as to your knowledge you can,  
 11 and to your experience you can.

12 A. To my personal experience, I  
 13 mean the folders sometimes they are  
 14 misplaced. They are put all over the place.  
 15 It all depends. Like I said, active  
 16 homicides can be anything from now to the  
 17 past. They are still active.

18 Q. Were you aware, did you ever  
 19 become aware of the entire homicide file in  
 20 the case involving this particular  
 21 Parkchester security officer going missing?

22 A. No, I didn't hear. I heard  
 23 nothing about that.

24 Q. Okay. Did you ever touch that  
 25 file or have any -- did the homicide file for

1 PARKER  
 2 particular case?  
 3 MR. JOSEPH: Correct.  
 4 MS. FROMMER: You can answer.  
 5 A. In that particular case, I felt  
 6 it was a very high-profile murder case. And  
 7 because it was so high profile, you know, him  
 8 saying that he misplaced or didn't know where  
 9 the folder was to me bad police work.

10 Q. Would you consider a security  
 11 officer being shot a high-profile police  
 12 matter?

13 MS. FROMMER: Objection. You  
 14 can answer.

15 A. I mean I think every homicide  
 16 is high profile. It all depends. Some just  
 17 get more publicity than others.

18 Q. Okay. On February 25, 2001  
 19 were you in Las Vegas working as a bodyguard  
 20 for Duane Johnson, also known as the Rock?

21 A. Again, you are referring to the  
 22 book, what page?

23 Q. 235. I am just trying to get a  
 24 time frame.

25 A. Okay.

1 PARKER  
 2 the security guard who was shot in the Bronx  
 3 ever come into your possession?

4 A. No.

5 Q. Would you find it unusual if a  
 6 case file for a homicide that was being  
 7 prosecuted went missing?

8 MS. FROMMER: Objection. You  
 9 can answer.

10 A. I am sorry, again? Say it one  
 11 more time.

12 Q. Okay. Sir, would you find it  
 13 unusual for a case file for a homicide that  
 14 is being actively prosecuted to just  
 15 disappear?

16 MS. FROMMER: Objection.

17 A. Again, in the commands that I  
 18 have worked a lot of things happened. I have  
 19 seen cases come up missing before in the  
 20 commands that I have worked. So anything is  
 21 possible.

22 Q. Tell me why. If it is  
 23 possible, can you tell me why you harshly  
 24 criticized the LAPD detective?

25 MS. FROMMER: In that

1 PARKER

2 MS. FROMMER: What is the date  
 3 again, please?

4 MR. JOSEPH: February 25, 2001.

5 Q. Just to refresh your  
 6 recollection, that was about the time that  
 7 there was a shooting at Hot 97 studio.

8 MS. FROMMER: You can answer,  
 9 if you can.

10 A. When this shooting occurred, I  
 11 wasn't in New York, no.

12 Q. My question is, on February 25,  
 13 2001 were you in Vegas working as a  
 14 bodyguard?

15 A. I don't know if it was February  
 16 25th I was out there. I can't refer to the  
 17 date.

18 Q. Okay. Well, on page 235 did  
 19 you put the date down as February 25th?

20 A. Let's look. It doesn't refer  
 21 to a date. It just says the Hot 97 shooting  
 22 I was --

23 MS. FROMMER: So the answer to  
 24 his question is what, yes or no, that  
 25 on page 235 you specifically have the

24 (Pages 90 to 93)

1 PARKER  
 2 date February 25th?  
 3 THE WITNESS: No, I don't have  
 4 it.  
 5 MS. FROMMER: Thank you.  
 6 Q. On any of the prior pages, do  
 7 you have a date February 25, 2001 as when the  
 8 shooting at Hot 97 occurred?  
 9 A. I'm sorry, what pages?  
 10 Q. Any of the pages preceding page  
 11 235.  
 12 MS. FROMMER: You want him to  
 13 read pages 1 through 235?  
 14 MR. JOSEPH: No, I don't.  
 15 A. Why don't you just make it  
 16 clear?  
 17 Q. On page 233 did you say on  
 18 February 25, 2001 is when the Hot 97 shooting  
 19 occurred?  
 20 A. On February 1st --  
 21 MS. FROMMER: You can read the  
 22 whole quote.  
 23 A. "On February 1, 2001 the rules  
 24 were broken. This particular Sunday  
 25 afternoon would see one of the most brutal

1 PARKER  
 2 public shootouts between rival rap crews in  
 3 rap history play out right on Hot 97's  
 4 doorstep."  
 5 Q. Is it February 1st or February  
 6 25th?  
 7 A. February 25th.  
 8 Q. Okay. Because you said  
 9 February 1st.  
 10 A. No, February 25th.  
 11 Q. Okay. So at the time that that  
 12 occurred, on February 25th, were you in Las  
 13 Vegas?  
 14 A. I don't recall.  
 15 Q. Could you read pages 233  
 16 through 235 to see if it refreshes your  
 17 recollection.  
 18 A. The question again?  
 19 Q. On February 25, 2001 were you  
 20 in Las Vegas?  
 21 A. Yes.  
 22 Q. How long were you in Las Vegas  
 23 prior to February 25, 2001?  
 24 A. I don't recall.  
 25 Q. Okay. For example, did you

1 PARKER  
 2 leave immediately on February 25, 2001 once  
 3 you got a phone call informing you of the Hot  
 4 97 shooting?  
 5 A. I don't believe leaving the day  
 6 of, no.  
 7 Q. Okay. Prior to receiving the  
 8 phone call, how long had you been in Las  
 9 Vegas?  
 10 A. Again, I don't recall. I don't  
 11 recall.  
 12 Q. Was it more than a day?  
 13 A. It could have been a week. I  
 14 don't recall.  
 15 Q. Okay. Do you have any  
 16 recollection of how long? By the way, did  
 17 you ever work with Duane Johnson, also known  
 18 as the Rock, on any other occasions?  
 19 A. Yes.  
 20 Q. Was February 25, 2001 the first  
 21 time that you worked for Duane Johnson, also  
 22 known as the Rock?  
 23 A. No.  
 24 Q. Is this something you did on a  
 25 regular basis?

1 PARKER  
 2 MS. FROMMER: Objection. You  
 3 can answer.  
 4 A. Yeah.  
 5 Q. Okay. Do you have any  
 6 recollection why you were in Vegas on  
 7 February 25, 2001 acting as Mr. Johnson's  
 8 bodyguard? In other words, was there a  
 9 particular event that was happening out  
 10 there?  
 11 MS. FROMMER: Objection to the  
 12 characterization as "bodyguard."  
 13 You can answer.  
 14 A. I believe we were there for  
 15 Summer Slam.  
 16 Q. Okay. And how long did Summer  
 17 Slam last?  
 18 A. Summer Slam is a day event.  
 19 Q. One-day event?  
 20 A. Yeah.  
 21 Q. Do you recall, when you got the  
 22 phone call concerning the Hot 97 shooting on  
 23 February 25, 2001, had Summer Slam already  
 24 occurred or was it going to occur soon?  
 25 MS. FROMMER: Objection. You

	98	100
1	PARKER	PARKER
2	can answer.	to object to the complete misquote,
3	A. I don't remember if it was in	but you can answer, to the best of
4	the process or whatever. I don't remember.	what it reflects in your literature.
5	<b>Q. Okay. Do you have any records</b>	5 A. It reflects the rap music
6	<b>that would indicate when you went out to</b>	6 industry again.
7	<b>Vegas?</b>	7 <b>Q. Well, what did you mean by that</b>
8	A. No.	8 <b>quote?</b>
9	<b>Q. Do you have any pay slips or</b>	9 A. It means that both cultures are
10	<b>billing invoices to Mr. Johnson that would</b>	10 wracked with corruption and driven by
11	<b>indicate when you traveled?</b>	11 ambition.
12	A. No.	12 <b>Q. And when you say the NYPD was</b>
13	<b>Q. How did you get to -- who</b>	13 <b>wracked with corruption, what do you mean?</b>
14	<b>booked your flight to Vegas?</b>	14 MS. FROMMER: Objection. That
15	MS. FROMMER: Objection. You	15 is not what he said. Stop
16	can answer.	16 mischaracterizing his writing.
17	A. The travel agent for WWF --	17 DI I am going to instruct him not
18	WWE.	18 to answer.
19	<b>Q. I'm sorry?</b>	19 <b>Q. When you say wracked with</b>
20	A. WWE.	20 <b>corruption, is that the correct term you</b>
21	<b>Q. Were you there prior to Summer</b>	21 <b>used, W-R-A-C-K-E-D?</b>
22	<b>Slam or did you show on the day of Summer</b>	22 A. Yes.
23	<b>Slam or something else?</b>	23 <b>Q. Okay. Did you say the NYPD was</b>
24	MS. FROMMER: Objection. You	24 <b>wracked with corruption?</b>
25	can answer.	25 MS. FROMMER: Stop
	99	101
1	PARKER	PARKER
2	A. I don't recall.	2 mischaracterizing his testimony.
3	<b>Q. Okay. Within the thirty days</b>	3 <b>Q. Is that what you said, yes or</b>
4	<b>prior to February 25, 2001, were you working</b>	4 <b>no?</b>
5	<b>on any other bodyguard or security</b>	5 A. I said both cultures.
6	<b>assignments?</b>	6 <b>Q. Okay. And are you referring</b>
7	MS. FROMMER: Objection. You	7 <b>also to the NYPD?</b>
8	can answer.	8 MS. FROMMER: Objection. You
9	A. Not that I recall.	9 can answer.
10	<b>Q. Were you in any other states</b>	10 A. Yes.
11	<b>other than New York and Vegas within the</b>	11 <b>Q. Okay. What did you mean by</b>
12	<b>thirty days prior to February 25, 2001?</b>	12 <b>that, specifically to the NYPD, not the other</b>
13	MS. FROMMER: Objection. You	13 <b>culture?</b>
14	can answer.	14 A. That sometimes we have flaws
15	A. I can't recall.	15 and there is corruption.
16	<b>Q. Okay. By the way, did you ever</b>	16 <b>Q. And what do you mean by -- do</b>
17	<b>say the New York Police Department was</b>	17 <b>you also say that both cultures, including</b>
18	<b>rampant with corruption driven by ambition</b>	18 <b>the NYPD, were driven by ambition?</b>
19	<b>and stunted by stubborn egos?</b>	19 MS. FROMMER: Objection. You
20	MS. FROMMER: Objection. You	20 can answer.
21	can answer	21 A. I mean there is always
22	A. Again, are you referring to the	22 ambition. You have ambition, you know, to
23	book?	23 rise to rank, and the music industry,
24	<b>Q. Page 9.</b>	24 referring to the rap music industry, you have
25	MS. FROMMER: Again, I am going	25 ambition to be a top wrapper or top

	102		104
1	PARKER	1	PARKER
2	entertainer.	2	MS. FROMMER: Objection. You
3	<b>Q. And the way to fulfill the</b>	3	can answer, if you can.
4	<b>ambition within the NYPD was to close cases,</b>	4	A. I can't answer that.
5	<b>correct?</b>	5	<b>Q. Okay. Did you answer it on</b>
6	DI MS. FROMMER: Objection. I am	6	<b>page 5 of your book?</b>
7	instructing him not to answer.	7	A. Again, let me turn to page 5.
8	<b>Q. Sir, in general, was closing</b>	8	MS. FROMMER: You can answer,
9	<b>cases a way to advance in the NYPD?</b>	9	if you can. He is asking you if you
10	MS. FROMMER: Objection. You	10	say on page 5 that detectives look the
11	can answer, to the best of your	11	other way.
12	knowledge and personal experience	12	<b>Q. Sir, did you say the first rule</b>
13	only.	13	<b>of law enforcement is the same as the code of</b>
14	A. To the best of my knowledge,	14	<b>the street, keep your mouth shut?</b>
15	that is not the sole part of advancing, no.	15	MS. FROMMER: Objection.
16	<b>Q. Okay. Is it a large part of</b>	16	A. When talking to a journalist,
17	<b>advancing?</b>	17	yeah.
18	A. It plays a role.	18	<b>Q. Okay. Did you also say that --</b>
19	<b>Q. And what do you mean by stunted</b>	19	<b>you are lucky. I forgot about the page on</b>
20	<b>by stubborn egos?</b>	20	<b>this one.</b>
21	MS. FROMMER: Objection. You	21	DI MS. FROMMER: Then I am going
22	can answer.	22	to instruct him not to answer if you
23	A. That we have egos.	23	are going to ask him a general
24	<b>Q. But what do you mean by stunted</b>	24	statement about the comments in his
25	<b>by stubborn egos?</b>	25	book.

  

	103		105
1	PARKER	1	PARKER
2	A. It mean that in both cultures,	2	MR. JOSEPH: Well, actually
3	referring back to the rap music industry, we	3	hold on.
4	have stunted, stubborn egos. You know,	4	*R Q. Sir, did you ever look the
5	sometimes we don't want to do certain things	5	other way while a fellow officer abused
6	or some things that we -- it is taken a lot	6	cocaine --
7	in different context. You know what I'm	7	MS. FROMMER: Objection.
8	saying. It is just a quote that I said about	8	<b>Q. -- and solicited prostitutes?</b>
9	egos.	9	DI MS. FROMMER: Objection. I am
10	<b>Q. Okay. This quote had to do</b>	10	going to instruct him not to answer
11	<b>with the NYPD, correct?</b>	11	that.
12	MS. FROMMER: Objection. You	12	MR. JOSEPH: Page 99.
13	can answer.	13	DI MS. FROMMER: I am going to
14	A. Yes.	14	instruct him not to answer. I am
15	<b>Q. In 2001 was it common for</b>	15	instructing him not to turn to the
16	<b>police officers in the Bronx to look the</b>	16	page. You are asking him to implicate
17	<b>other way when other officers engaged in</b>	17	himself in something that has the
18	<b>misconduct?</b>	18	appearance of impropriety, and I am
19	MS. FROMMER: Objection. He	19	going to instruct him not to answer.
20	was not in the Bronx.	20	MR. JOSEPH: Mark it for a
21	DI I am going to instruct him not	21	ruling.
22	to answer that.	22	<b>Q. Sir, did you say on page 43</b>
23	<b>Q. In 2001 was it common for</b>	23	<b>corruption was so rampant, you never knew if</b>
24	<b>detectives in the NYPD to look the other way</b>	24	<b>cops were dirty or not?</b>
25	<b>at other officer's misconduct?</b>	25	MS. FROMMER: Then the answer

27 (Pages 102 to 105)

106	108
1                    PARKER	1                    PARKER
2        to his question is it doesn't say that	2        there were things that you did as a cop that
3        on page 43.	3        you weren't proud of, page 208?
4        A. It doesn't say that.	4        MS. FROMMER: Again, you have
5        Q. Let me see.	5        misquoted him.
6        MS. FROMMER: Off the record.	6        DI        So I am going to instruct him
7        (Discussion off the record.)	7        not to answer that. That is the last
8        Q. Okay. On Page 46, I apologize.	8        time I am going to allow this line of
9        On page 46 did you say corruption was so	9        questioning, because you have again
10      rampant, you never knew if cops were dirty or	10      misquoted him.
11      not?	11      MR. JOSEPH: Mark it for a
12      MS. FROMMER: Does it say that	12      ruling.
13      on this page.	13      Q. Sir, did you say there were
14      THE WITNESS: 46?	14      things I did as Giuliani's hip-hop cop that I
15      MS. FROMMER: So is the answer	15      wasn't proud of on page 20?
16      no?	16      MS. FROMMER: Please finish the
17      THE WITNESS: No, the answer is	17      quotation. I am going to ask that the
18      no.	18      entire statement be read into record.
19      MS. FROMMER: Thank you.	19      So please read the entire statement
20      Q. Did you say you never know if	20      into the record from your book.
21      uniform cops were dirty cop or not on page 46	21      THE WITNESS: From the top?
22      in your book?	22      MS. FROMMER: No, no, no. From
23      MS. FROMMER: It is not the	23      the "there were."
24      question you asked, Counselor. Again,	24      THE WITNESS: "There were
25      you continue to mischaracterize.	25      things I did as Giuliani's hip-hop cop
107	
1                    PARKER	1                    PARKER
2        DI        I am going to instruct him not	2        that I wasn't so proud of that made me
3        to answer a single question about the	3        uncomfortable. Still I had no choice
4        book. You have one more chance to get	4        because it was my job."
5        the quotations right or I am going to	5      Q. What did you mean by that?
6        find it overly harassing.	6      A. This was referring to me doing
7        Will you please explain the	7      intelligence work on some of the people that
8        context to the extent you need to.	8      opposed Giuliani's methods, such as not
9        You can answer.	9      Minister Farakhan, but the disciple Mohammed
10      A. I'm sorry. Can you rephrase	10      who had problems with Giuliani.
11      the question.	11      Q. Okay. And what specifically
12      Q. You want me to repeat it?	12      did you do that you weren't proud of?
13      A. Yes, please.	13      A. I went to his house and sit on
14      MR. JOSEPH: Would you read it	14      his house and tail him, because he had a
15      back.	15      verbal warring match with Giuliani, a verbal
16      (Record read.)	16      war.
17      A. I did I say that, yes, in my	17      Q. Anything else?
18      book.	18      A. That's it.
19      Q. Well, what did you mean by	19      Q. Is there anything that you
20      that?	20      recall about Terrance Alston that you haven't
21      A. Because I was an undercover cop	21      told us today?
22      at the time, I didn't know if cops, you know,	22      A. To the best of my knowledge,
23      knew people in the street that would give up	23      no.
24      my identity, who I was.	24      Q. Is there anything else that you
25      *R Q. Okay. Did you also say that	25      recall or know about the prosecution of

110	112
<p>1                   <b>PARKER</b></p> <p>2   Anthony Manganiello that you haven't told us</p> <p>3   here today?</p> <p>4                 MS. FROMMER: Objection. You</p> <p>5                 can answer.</p> <p>6                 A. No.</p> <p>7                 Q. Okay. Prior to coming here</p> <p>8   today, did you speak with Detective Luis</p> <p>9   Agostini?</p> <p>10          A. No.</p> <p>11          MS. FROMMER: He already</p> <p>12          answered three times that he doesn't</p> <p>13          know who he is, Counselor.</p> <p>14          Q. Let me ask you generally.</p> <p>15   Prior to coming here today, have you spoken</p> <p>16   to any other defendant who is named in this</p> <p>17   lawsuit?</p> <p>18          A. No.</p> <p>19          MR. JOSEPH: That's all I have.</p> <p>20          MS. FROMMER: I would like to</p> <p>21          speak to you.</p> <p>22          (Recess taken.)</p> <p>23   EXAMINATION BY MS. FROMMER:</p> <p>24          Q. I have some follow-up</p> <p>25   questions.</p>	<p>1                   <b>PARKER</b></p> <p>2   Parkchester homicide?</p> <p>3                 A. No.</p> <p>4                 Q. You testified earlier that</p> <p>5   Terrance Alston gave you information about</p> <p>6   gang members and hip-hop activity, correct?</p> <p>7                 A. Correct.</p> <p>8                 Q. That were unrelated to the</p> <p>9   information he gave you about the Parkchester</p> <p>10          homicide, correct?</p> <p>11          A. Correct.</p> <p>12          Q. Did you investigate the</p> <p>13          information that he gave you about gang</p> <p>14          activity and the hip-hop activity?</p> <p>15          A. Yes.</p> <p>16          Q. And when you investigated that</p> <p>17          information, did you verify what Terrance</p> <p>18          Alston told you was accurate?</p> <p>19          A. Yes.</p> <p>20          Q. Did you ever investigate any</p> <p>21          information that Terrance Alston told you and</p> <p>22          found that was inaccurate?</p> <p>23          A. No.</p> <p>24          Q. Did anyone from the district</p> <p>25          attorney's office ever request Terrance</p>
111	113
1 <b>PARKER</b>	1 <b>PARKER</b>
<p>2   Detective, did you have any</p> <p>3   involvement at all in arresting Anthony</p> <p>4   Manganiello?</p> <p>5          A. No.</p> <p>6          Q. Have you ever met Anthony</p> <p>7   Manganiello?</p> <p>8          A. No.</p> <p>9          Q. Did you have any involvement in</p> <p>10         investigating the homicide that occurred at</p> <p>11         Parkchester?</p> <p>12          A. No.</p> <p>13          Q. Did you have any involvement in</p> <p>14         prosecuting Anthony Manganiello for a</p> <p>15         homicide?</p> <p>16          A. No.</p> <p>17          MR. JOSEPH: Note an objection</p> <p>18          to the last question.</p> <p>19          Q. Did you have any conversation</p> <p>20         with the district attorney's office about its</p> <p>21         prosecution of Anthony Manganiello?</p> <p>22          A. No.</p> <p>23          Q. Did you ever offer Terrance</p> <p>24         Alston a deal or anything of value in</p> <p>25         exchange for his information about the</p>	<p>2   Alston's confidential file from you?</p> <p>3          A. No.</p> <p>4          Q. Did you make a decision that</p> <p>5   Terrance Alston would be a witness for the</p> <p>6   prosecution against Anthony Manganiello?</p> <p>7          A. No.</p> <p>8          Q. Did you ever urge or encourage</p> <p>9   the prosecution to use Terrance Alston as a</p> <p>10         witness in the homicide investigation?</p> <p>11          A. No.</p> <p>12          Q. One last question, Detective.</p> <p>13          Q. Is it fair to say that some of the comments</p> <p>14         in your book contain personal opinions?</p> <p>15          A. Yes.</p> <p>16          Q. Okay. Which can be subjective</p> <p>17         in nature?</p> <p>18          MR. JOSEPH: Objection.</p> <p>19          A. Yes.</p> <p>20          Q. Thank you. Is it fair to say</p> <p>21         that some of the statements that were read or</p> <p>22         picked out in your examination contain</p> <p>23         statements that could be personal or</p> <p>24         subjective in nature?</p> <p>25          MR. JOSEPH: Objection.</p>

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<p>1 PARKER      2 MR. JOSEPH: Okay.      3 Q. What activity did he give you      4 about that Blood?      5 MS. FROMMER: He can answer      6 general activity, but nothing      7 specific.      8 A. That he was involved in gang      9 activities.      10 Q. Okay. Did he give you any      11 information on any specific crimes concerning      12 this Blood?      13 A. Yes, he did.      14 Q. What crimes did this Blood      15 allegedly commit?      16 DI MS. FROMMER: Objection. I am      17 going to instruct him not to answer.      18 Q. Do you have a recollection, as      19 you sit here right now, of what crime that      20 Blood actually committed?      21 MS. FROMMER: That is a      22 yes-or-no question. You can answer      23 only yes or no.      24 A. I don't recall, no.      25 Q. Okay, do you know, as you sit</p>	<p>1 PARKER      2 MS. FROMMER: Objection. I am      3 going to instruct him not to answer.      4 Q. What was the nature of the      5 information he gave you?      6 DI MS. FROMMER: I am going to      7 instruct him not to answer. You can      8 answer only generally. This is all      9 protected by privilege. You can      10 answer generally.      11 MR. JOSEPH: It is actually      12 not.      13 MS. FROMMER: You can answer      14 generally, but I am instructing you      15 not to answer anything specific.      16 A. About a music artist.      17 Q. What did he tell you in general      18 about the music artist?      19 MS. FROMMER: Without giving      20 any identifying information or any      21 other specific information.      22 A. Tied to gang activity.      23 *R Q. Okay. Did he give you anything      24 more specific other than this hip-hop artist      25 was tied to gang activity?</p>	
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<p>1 PARKER      2 here right now, do you recall whether that      3 Blood was arrested and convicted?      4 A. Not that I recall.      5 Q. So how do you know that      6 information was accurate that Mr. Alston      7 provided you?      8 MS. FROMMER: Objection. You      9 can answer.      10 A. Because speaking with other      11 detectives, I determined that this guy was a      12 Blood.      13 Q. Okay. So the only verification      14 that you had concerning Mr. Alston's      15 statement was speaking with other detectives?      16 MS. FROMMER: Objection.      17 Q. Correct?      18 MS. FROMMER: You can answer.      19 A. Other cops, other detectives.      20 Q. Is that a yes?      21 A. Yes.      22 Q. You said he also gave you some      23 information on hip-hop activity.      24 What information did he give      25 you?</p>	<p>1 PARKER      2 MS. FROMMER: You are asking if      3 he said anything other than what I am      4 allowing him to testify to?      5 MR. JOSEPH: No. I am asking      6 if Mr. Alston's comments were more      7 specific than that or is it generally      8 he was tied to gang activities.      9 MS. FROMMER: Counsel, I      10 instructed him to couch his answer to      11 only give general information. You      12 are taking now my instruction and you      13 are deeming that to be his answer.      14 MR. JOSEPH: No, no.      15 MS. FROMMER: You are. I      16 instructed him to say something      17 general.      18 MR. JOSEPH: Mark it for a      19 ruling.      20 MS. FROMMER: My client      21 followed my instruction and now you      22 have mischaracterized his answer which      23 was based specifically on my      24 instruction which is protected by      25 privilege.</p>	

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1 PARKER  
 2 DI I am instructing him not to  
 3 answer, because you have my  
 4 instruction.  
 5 Q. Did Mr. Alston provide you with  
 6 specific activity of criminal misconduct  
 7 concerning a hip-hop artist?  
 8 MS. FROMMER: You can answer.  
 9 A. He did.  
 10 Q. Okay. Was that hip-hop artist  
 11 ever arrested, charged or convicted?  
 12 A. That I don't recall.  
 13 Q. How do you know that the  
 14 information that he provided to you was  
 15 accurate?  
 16 MS. FROMMER: You can answer.  
 17 A. Because I got that information  
 18 from someone else, that this guy was engaged  
 19 in some gang activity.  
 20 Q. Was this "someone else" a  
 21 police officer?  
 22 A. No.  
 23 Q. Was this "someone else" another  
 24 confidential informant?  
 25 A. No.

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1 PARKER  
 2 MR. JOSEPH: I have nothing  
 3 further.  
 4 MS. FROMMER: One second,  
 5 please.  
 (Discussion off the record.)  
 6 MS. FROMMER: Yes, I have  
 7 nothing further. I will be looking  
 8 for my copy of the book in the mail.  
 9 MR. JOSEPH: Okay.  
 10 MS. FROMMER: As well the  
 11 deposition transcripts of the other  
 12 three.  
 13 MR. JOSEPH: Okay.  
 14 (Time noted: 3:08 p.m.)

1 PARKER  
 2 Q. Without telling me the person's  
 3 name, what was the relationship of this  
 4 particular person?  
 5 A. It was a person in the music  
 6 industry.  
 7 Q. Was this person within the  
 8 music industry facing any criminal charges at  
 9 the time?  
 10 A. Not that I recall.  
 11 Q. Did you give this person in the  
 12 music industry any money?  
 13 A. No, no.  
 14 Q. Was this hip-hop artist ever  
 15 convicted of any crime that in any way  
 16 relates to gang activity?  
 17 MS. FROMMER: Objection. You  
 18 can answer.  
 19 A. No.  
 20 Q. Okay. Sir, has Mr. Alston ever  
 21 provided you with any information that  
 22 actually resulted in a conviction?  
 23 MS. FROMMER: Objection. You  
 24 can answer, if you can.  
 25 A. Not that I recall.

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1 ACKNOWLEDGMENT  
 2  
 3 STATE OF \_\_\_\_\_ )  
 4 \_\_\_\_\_ ) ss.:  
 5 COUNTY OF \_\_\_\_\_ )  
 6  
 7 I, DERRICK PARKER, hereby  
 8 certify that I have read the transcript of my  
 9 testimony taken under oath in my deposition;  
 10 that the transcript is a true, complete and  
 11 correct record of my testimony, and that the  
 12 answers on the record as given by me are true  
 13 and correct.  
 14  
 15  
 16 DERRICK PARKER  
 17  
 18 Signed and subscribed to before  
 19 me, this day of \_\_\_\_\_,  
 20 2007.  
 21  
 22 Notary Public, State of \_\_\_\_\_  
 23  
 24  
 25